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United Nations

Report of the Committee on the Elimination of Discrimination against Women

Twenty-eighth session (13-31 January 2003)

Twenty-ninth session (30 June-18 July 2003)

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Part one
Report of the Committee on the Elimination of Discrimination against Women on its twenty-eighth session

14 March 2003

Letter of transmittal

Sir,

I have the honour to refer to article 21 of the Convention on the Elimination of All Forms of Discrimination against Women, according to which the Committee on the Elimination of Discrimination against Women, established pursuant to the Convention, "shall, through the Economic and Social Council, report annually to the General Assembly of the United Nations on its activities".

The Committee on the Elimination of Discrimination against Women held its twenty-eighth session from 13 to 31 January 2003 at United Nations Headquarters. It adopted its report on the session at the 608th meeting, on 31 January 2003. The report of the Committee is herewith submitted to you for transmission to the General Assembly at its fifty-eighth session.

Accept, Sir, the assurances of my highest consideration.

(*Signed*) Feride **Acar**
Chairperson
Committee on the Elimination of Discrimination against Women

His Excellency Mr. Kofi Annan
Secretary-General of the United Nations
New York

Chapter I

Matters brought to the attention of States parties

Decisions

Decision 28/I
Working Group on Communications under the Optional Protocol

The Committee decided to appoint Cornelis Flinterman, Aida González Martínez, Fatima Kwaku, Krisztina Morvai and Hanna Beate Schöpp-Schilling (Chairperson) as members of the Working Group, for a two-year period starting in January 2003.

Decision 28/II

The Committee decided to convene a meeting with States whose reports under the Convention have been due for over five years, during its twenty-ninth session, in July 2003.

Decision 28/III

The Committee decided, subject to the availability of resources, to nominate two of its members, in addition to its Chairperson, to participate in a workshop that the Office of the United Nations High Commissioner for Human Rights intends to convene in May 2003 within the broader framework of consultations with interested parties on the proposals for reforms of the treaty bodies, contained in the report of the Secretary-General entitled "Strengthening of the United Nations: an agenda for further change" (A/57/387 and Corr.1).

Decision 28/IV

The Committee decided, subject to the availability of resources, to nominate four of its members, including the Chairperson, to participate in the second inter-committee meeting of treaty bodies that the Office of the United Nations High Commissioner for Human Rights plans to convene in June 2003, in view of the proposals for reform of the treaty bodies contained in the report of the Secretary-General (A/57/387 and Corr.1).

Chapter II
Organizational and other matters

A. States parties to the Convention on the Elimination of All Forms of Discrimination against Women

1. As at 31 January 2003, the closing date of the twenty-eighth session of the Committee on the Elimination of Discrimination against Women, there were 170 States parties to the Convention on the Elimination of All Forms of Discrimination against Women, which was adopted by the General Assembly in its resolution 34/180 of 18 December 1979 and opened for signature, ratification and accession in New York in March 1980. In accordance with article 27, the Convention entered into force on 3 September 1981.

2. A list of States parties to the Convention will be contained in annex I to the final report of the Committee for 2003. A list of States parties that have accepted the amendment to article 20, paragraph 1, will be contained in annex II. A list of States parties that have signed, ratified or acceded to the Optional Protocol to the Convention will be contained in annex III.

B. Opening of the session

3. The Committee held its twenty-eighth session at United Nations Headquarters from 13 to 31 January 2003. The Committee held 20 plenary meetings (589th to 608th) and held 9 meetings to discuss agenda items 7 and 8.

4. Ms. Angela E. V. King, Assistant Secretary-General and Special Adviser to the Secretary-General on Gender Issues and Advancement of Women, who acted as a temporary chairperson, opened the session.

5. In addressing the Committee at its 589th meeting, on 13 January 2003, the Assistant Secretary-General and Special Adviser on Gender Issues and Advancement of Women welcomed the new members of the Committee who had been elected at the twelfth meeting of the States parties to the Convention, on 29 August 2002, and congratulated the two members who had been re-elected at that meeting (see CEDAW/SP/2002/4, para. 7). She also congratulated Ms. Fumiko Saiga, who, after completing the term of Ms. Chikako Taya, had been elected by the meeting of States parties as a member of the Committee in her own capacity. She also warmly welcomed Ms. Salma Khan, who, after a few years of absence and after having been one of the Committee's distinguished chairpersons, had rejoined the Committee. She expressed her gratitude to the experts whose terms had expired on 31 December 2002, in particular Ms. Charlotte Abaka, the former Chairperson, for her leadership.

6. The Special Adviser reported on events of special relevance to the Committee's work that had occurred between the closing of the exceptional session at the end of August 2002 and the twenty-eighth session. She reminded members that the study requested by the Security Council in its resolution 1325 (2000) on the impact of armed conflict on women and girls, the role of women in peace-building and the gender dimensions of peace processes and conflict resolution, to which one of the Committee's members had contributed, was now available. She added that the

study, entitled "Women, peace and security", also formed the basis of a report (S/2002/1154) that the Secretary-General had submitted to the Security Council on 28 October 2002, which included 21 recommendations for action mostly addressed to the Security Council and a number of commitments by the Secretary-General. The recommendations for action called for accountability for violations of women's human rights during armed conflict; the integration of gender perspectives into all mandates and operations of peacekeeping missions; strengthening the role of women in peace processes; and increasing the participation of women at all stages of humanitarian assistance and during reconstruction processes.

7. The Special Adviser stated that ratifications and accessions to the Convention and its Optional Protocol had been continuing at a steady pace. A total of 170 States parties had ratified or acceded to the Convention and 49 States had ratified or acceded to the Optional Protocol. A total of 37 States parties had now accepted the amendment to article 20, paragraph 1, of the Convention. She assured the Committee that her Office and the Division for the Advancement of Women would continue to use every opportunity to encourage ratification of the Convention and the Optional Protocol, as well as acceptance of the amendment to article 20, paragraph 1.

8. She stated that the Committee had agreed to consider at the current session the reports of eight States parties, namely those of Canada, Costa Rica, El Salvador, Kenya, Luxembourg, Norway, the Republic of the Congo and Switzerland. Since Costa Rica was not able to present its report at the session, the Secretariat, after consultation with the Chairperson, approached the Government of Albania, which agreed to present its combined initial and second periodic report.

9. The Special Adviser drew the Committee's attention to issues contained in the report of the Secretariat on ways and means of expediting the work of the Committee (CEDAW/C/2003/I/4), including (a) the recommendations contained in the report of the first inter-committee meeting of human rights treaty bodies, held in Geneva in June 2002; (b) the report of the Secretary-General (A/57/387 and Corr.1) concerning proposals from treaty bodies, for new streamlined reporting procedures and a more coordinated approach to their activities; and (c) the Committee's long-term programme of work regarding general recommendations.

10. Ms. Carolyn Hannan, the Director of the Division for the Advancement of Women, informed the Committee about activities undertaken by the Division during the period from September 2002 to January 2003. She stated that the Division, in collaboration with the Economic and Social Commission for Asia and the Pacific (ESCAP), had convened a judicial colloquium on the application of international human rights law at the domestic level from 4 to 6 November 2002 at ESCAP headquarters in Bangkok. The participants, who were from Bangladesh, Bhutan, Cambodia, Malaysia, Pakistan and Singapore, had included judges, judicial officers, lawyers, government officials and academics. Ms. Savitri Goonesekere, a former member of the Committee, had attended the colloquium as one of the facilitators. The participants had discussed the opportunities that exist in their legal systems for making greater use of international human rights norms to benefit women and girls and advance the rights of women. The group had focused on three themes, namely: nationality, marriage and family relations; violence against women and girls; and women's access to work and work-related rights. The participants had adopted a statement in which they recommended that judges, judicial officers and lawyers be

made aware of the international legal standards applicable to women and children so that they could be sensitive to those principles when conducting trials and delivering judgements. They also recommended that law schools and colleges in the region introduce the teaching of international human rights law, including provisions relating to women and children, into their curricula.

11. The Director indicated that, immediately following the colloquium, the Division, in collaboration with ESCAP, had also organized a reporting workshop from 6 to 8 November 2002 in Bangkok. The workshop had been conducted for government officials of Asian countries responsible for preparing reports under article 18 of the Convention and had been directed primarily at those States whose initial reports had not yet been submitted. Participants had come from Bhutan, Cambodia, the Lao People's Democratic Republic, Malaysia and Tajikistan, as well as States which had not yet ratified the Convention, such as Afghanistan and Timor-Leste. The objective of the training workshop had been to enhance the capacity of government officials to prepare reports of States parties and to increase understanding of the legal obligations established in the Convention. Other areas covered by the workshop included: an overview of international human rights law; the place of the Convention in international human rights law; the process of ratification of the Convention; the Convention and its provisions; reservations to the Convention; reporting requirements, including the reporting guidelines of the Committee and its general recommendations; the role of civil society in the preparation of the report; and the reporting process and its results as well as its impact at the national level; the implementation of the Committee's concluding comments; and the follow-up process.

12. The Division had also participated in an expert seminar on article 4, paragraph 1, of the Convention — organized by a group of researchers — which had been held from 10 to 13 October 2002 in Maastricht, the Netherlands, under the chairmanship of Mr. Flinterman. Ms. Schöpp-Schilling and Ms. Patten had also attended. The main objective of the seminar had been to support the Committee in the process of drafting a general recommendation on article 4, paragraph 1, of the Convention, particularly through the formulation of concrete suggestions for its contents.

13. The Director also reported that the Division for the Advancement of Women, in collaboration with the Office on Drugs and Crime, had organized an expert group meeting from 18 to 22 November 2002 in Glen Cove, New York, on trafficking in women and girls which had identified strategies and programmes to combat trafficking in women and girls. The meeting had discussed a human rights and gender-based approach in preventing and combating trafficking in women and girls; the legal framework; root causes of trafficking and strategies; victim support and empowerment; children's rights; and national mechanisms. It had also focused on good practices to combat trafficking in women and girls and had adopted a number of recommendations which would be included in the report of the Secretary-General to the Commission on the Status of Women at its forty-seventh session under the theme, "Women's human rights and elimination of all forms of violence against women".

14. The Director highlighted the three reports of the Secretary-General prepared by the Division, which had been submitted to the General Assembly at its fifty-seventh session. The reports dealt with issues of particular relevance to the Committee's work, which included violence against women, crimes against women

committed in the name of honour; and trafficking in women and girls. She stated that the General Assembly, in its annual resolution concerning the Convention, had recalled the high number of overdue reports, particularly initial reports, and had urged States parties to make every possible effort to submit their reports on the implementation of the Convention in a timely manner. The General Assembly had also expressed its satisfaction to the Committee for having successfully addressed the large number of reports awaiting consideration during its extraordinary session, in August 2002. Other resolutions dealt with issues of trafficking in women and girls; the situation of older women in society; working towards the elimination of crimes against women committed in the name of honour; and the elimination of all forms of violence against women, including crimes identified in the outcome document of the twenty-third special session of the General Assembly.

15. She indicated that the Division had also collaborated with the Inter-Parliamentary Union in the preparation of a handbook for parliamentarians on the Convention and its Optional Protocol. The handbook, which was expected to be published in the near future, aims at familiarizing parliamentarians with the Convention, what they could do to enhance compliance with the Convention and the use of the Optional Protocol.

16. In conclusion, the Director informed the Committee that, in his report on an agenda for further change presented to the General Assembly at its fifty-seventh session, the Secretary-General had placed particular emphasis on human rights, specifically on the treaty system and its reporting requirements. The Secretary-General had requested the United Nations High Commissioner for Human Rights to consult with the treaty bodies on new streamlined reporting procedures and to submit recommendations to him by September 2003. She indicated that the High Commissioner had subsequently written to all the chairpersons of treaty bodies on that matter.

C. Attendance

17. All members of the Committee attended the twenty-eighth session. Ms. Rosario Manalo attended from 20 to 31 January 2003; Ms. Náela Gabr from 13 to 23 January 2003 and Ms. Fatima Kwaku from 21 to 31 January 2003.

18. A list of the members of the Committee indicating the duration of their terms of office will appear in annex IV to the final report.

D. Solemn declaration

19. At the opening meeting of the twenty-eighth session of the Committee, the 589th meeting, before assuming their functions, the members elected at the twelfth meeting of States parties to the Convention on 29 August 2002, made the solemn declaration provided for under rule 15 of the Committee's rules of procedure. They were: Ms. Meriem Belmihoub-Zerdani, Mr. Cornelis Flinterman, Ms. Náela Gabr, Ms. Huguette Bokpe Gnacadja, Ms. Salma Khan, Ms. Akua Kuenyehia, Ms. Krisztina Morvai, Ms. Pramila Patten, Ms. Victoria Popescu, Ms. Fumiko Saiga and Ms. Dubravka Šimonovic. Ms. Rosario Manalo made the solemn declaration on 20 January 2003 upon her arrival at the session.

E. Election of officers

20. At its 589th meeting, on 13 January 2003, the Committee, in accordance with article 19 of the Convention, elected by acclamation the following officers to serve for a term of two years: Feride Acar (Turkey), Chairperson; Heisoo Shin (Republic of Korea), Yolanda Ferrer Gómez (Cuba), Victoria Popescu (Romania), Vice-Chairpersons; and Christina Kapalata (United Republic of Tanzania), Rapporteur.

F. Statement by the newly elected Chairperson

21. The newly elected Chairperson expressed her deep appreciation to the Committee for the confidence expressed in her. She welcomed the new members and expressed her gratitude and appreciation to those members whose terms had ended on 31 December 2002. She wished them well in their future responsibilities.

22. The Chairperson continued by emphasizing that the Committee's dialogues with States parties were often more than just discussions. They involved exchanges reflecting intellectual depth; political sophistication and cultural sensitivity but, most saliently, they reflected the Committee's grasp of pertinent issues, represented insightful analyses of existing patterns of gender discrimination and contained messages for the elimination of discrimination against women.

23. She stated that the Committee's work had not only provided policy guidelines for Governments, decision makers and implementers, but that it had evolved into a significant reference for academic work around the world. She stressed the Committee's influence in shaping a future world, free of discrimination against women.

24. The Chairperson pointed out that the Committee had come a long way since its establishment, from a position of relative marginality to one of centrality within the international human rights arena and the United Nations system itself. The work of all past and current Committee members, as well as those who provided the Committee with invaluable support services, clearly was at the foundation of that success. All past chairpersons had, through their dedication and hard work, provided the building blocks for the current structure.

25. The Chairperson noted the Committee's great satisfaction that the Optional Protocol, an instrument that would ensure more effective implementation of the Convention, had been a reality for more than two years. The Committee was pleased to have played a major role in the initiation of that instrument under the leadership of a former chairperson.

26. She expressed the wish to see more States acceding to, or ratifying, the Optional Protocol and mentioned that her country had ratified the Optional Protocol in October 2002.

27. Universal ratification of the Convention itself remained to date an unrealized dream. Non-ratifying States still existed in several regions, possibly because of material, financial or technical problems to which solutions could be sought with the Committee's involvement. She reiterated that creative means needed to be developed in order to achieve the desired result of universal ratification and that the Committee's efforts in that direction needed to be stepped up.

G. Adoption of the agenda and organization of work

28. The Committee considered the provisional agenda and organization of work (CEDAW/C/2003/I/1) at its 589th meeting. The agenda was adopted as follows:

1. Opening of the session.
2. Solemn declaration by the new members of the Committee.
3. Election of officers.
4. Adoption of the agenda and organization of work.
5. Report of the Chairperson on activities undertaken between the exceptional session and the twenty-eighth session of the Committee.
6. Consideration of the reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women.
7. Implementation of article 21 of the Convention on the Elimination of All Forms of Discrimination against Women.
8. Ways and means of expediting the work of the Committee.
9. Provisional agenda for the twenty-ninth session.
10. Adoption of the report of the Committee on its twenty-eighth session.

H. Report of the pre-session working group

29. At its ninth session, the Committee decided to convene a pre-session working group for five days prior to each session to prepare lists of issues and questions relating to the periodic reports that would be considered by the Committee at the following session. The pre-sessional working group for the twenty-eighth session of the Committee met from 24 to 28 June 2002.

30. The following members, representing different regional groups, participated in the working group: Sjamsiah Achmad (Indonesia), Roselyn Hazelle (Saint Kitts and Nevis), Regina Tavares da Silva (Portugal) and Fatima Kwaku (Nigeria).

31. The working group prepared lists of issues and questions relating to the reports of the following States parties: Canada, El Salvador, Kenya, Luxembourg and Norway.

32. At the 589th meeting, Ms. Regina Tavares da Silva introduced the report of the pre-session working group on behalf of the Chairperson, whose term of office as Committee member had ended on 31 December 2002 (see CEDAW/PSWG/2003/I/CRP.1 and Add.1-5).

I. Organization of work

33. At its 589th meeting, the Committee decided to take up issues under agenda item 7 on the implementation of article 21 of the Convention, and agenda item 8, on ways and means of expediting the work of the Committee, as a working group of the whole.

Chapter III

Report of the Chairperson on the activities undertaken between the exceptional and twenty-eighth sessions

34. At the 589th meeting, the former Chairperson of the Committee, Ms. Charlotte Abaka, briefed the Committee on her attendance at the fifty-seventh session of the General Assembly. She stated that two of the three reports submitted by the Secretary-General on the implementation of articles 5, 6 and 12 of the Convention as well as the issue of trafficking in women and girls would be on the agenda of the upcoming session of the Commission on the Status of Women.

35. She said that her main task during the debate of the General Assembly had been to brief the Third Committee on the output of the Committee over the past year. She had received positive feedback from many delegates who took the floor referring to her statement and who commended the work of the Committee, particularly its revised working methods, which, as many had put it, made the constructive dialogue a very interesting one. The former Chairperson said that many delegates had welcomed the first ever informal meeting held by the Committee with States parties, during the twenty-seventh session, and had found the meeting very useful, particularly in respect of the implementation of article 18.

36. The former Chairperson also informed the Committee about a debate held subsequently to a panel on poverty alleviation. At the debate, she had referred to the feminization of poverty as being largely due to the denial of equal opportunities, equal rights and equal status to women and girls throughout their life cycle, as well as all forms of violence against them. She said that poverty alleviation programmes should address obstacles that impede the full enjoyment by women and girls of their rights under the Convention, including the implementation of article 4.1, especially in the allocation of funds and in education and training. She encouraged those countries that had not yet ratified the Convention to do so and States parties that had placed reservations incompatible with the spirit of the Convention to work towards withdrawing them.

37. The former Chairperson briefed the Committee on a meeting which she and the Director of the Division for the Advancement of Women had had with the Secretary-General on 9 October 2002.

38. She drew the Committee's attention to the report of the Secretary-General submitted to the General Assembly at its fifty-seventh session entitled "Strengthening of the United Nations: an agenda for further change" (A/57/387), which contained special provisions on human rights, particularly the international human rights treaty system, and a request that consideration be given to streamlining reporting procedures. She had also discussed that report with the Secretary-General and had briefed him on the first inter-committee meeting, held in June 2002, which she had chaired and which had encouraged the other five treaty bodies to address gender perspectives during their consideration of reports of States parties.

Chapter IV

Consideration of reports submitted by States parties under article 18 of the Convention

A. Introduction

39. At its twenty-eighth session, the Committee considered the reports of eight States parties submitted under article 18 of the Convention: the combined initial and second periodic reports of two States parties; the combined initial, second, third, fourth and fifth periodic report of one State party; the combined third and fourth periodic report of one State party; the combined third and fourth periodic report and the fifth and sixth periodic reports of one State party; the fourth periodic report of one State party; the fifth periodic report of one State party; and the fifth and sixth periodic reports of one State party.

40. The Committee prepared concluding comments on each of the States parties considered. The Committee's concluding comments, as prepared by members of the Committee, and a summary of the introductory presentations by the representatives of the States parties are provided below.

B. Consideration of reports of States parties

1. Combined initial and second periodic reports

Albania

41. The Committee considered the combined initial and second periodic report of Albania (CEDAW/C/ALB/1-2) at its 594th, 595th and 605th meetings, on 16 and 24 January 2003 (see CEDAW/C/SR.594, 595 and 605).

Introduction by the State party

42. In introducing the combined initial and second periodic report, the representative of Albania apologized for the delay in submitting the report but noted that the preparation of the report had helped the Government in analysing the situation of women in Albania in reference to the provisions of the Convention, in formulating new programmes and in revising existing policies. In describing the situation of the implementation of the Convention in her country, the representative said that gender disparities had increased in Albania owing to the country's transition to a market economy in 1991. Although men and women had equal rights in Albania and women had attained a high level of education, there was no equal access to resources, opportunities or benefits. The representative outlined the work accomplished thus far that had contributed to building gender-equality awareness and an equal partnership between the State and the women's movement in Albania, whose role had been very important for the advancement of women in the country.

43. The representative stressed that the Constitution of the Republic of Albania, adopted in 1998, consolidated the main rights and freedoms of human beings, in conformity with international legal instruments which guaranteed equal rights for men and women. According to article 18 of the Constitution, discrimination based on sex, religious affiliation or ethnic origin was prohibited. While the ratification of

the Convention in 1993 marked the starting point for integrating international legal standards into domestic law, current practice did not provide for mechanisms that would ensure that women had equal opportunities with men.

44. The representative indicated that the State committee on women and the family, currently named the Committee for Equal Opportunities, had been established in 1998 in order to provide institutional support for the promotion of women's interests, inter alia, implementing government policies on women's and family issues, coordinating and evaluating programmes, drafting proposals for new legislation and/or amendments to existing legislation on family and women's rights in accordance with international standards, and supporting the activities of non-governmental organizations (NGOs) in regard to women and the family.

45. The representative added that the State Committee for Equal Opportunities, as a key instrument for the promotion of the advancement of women within the Government, coordinated those efforts not only with sectoral ministries, administrative structures, local governments and NGOs but also with international organizations.

46. The representative pointed out that, despite efforts undertaken thus far by the Government, many obstacles remained, in particular the low representation of women in governance structures, which limited their contribution to shaping and managing the democratic development of the country. In fact, during the structural adjustment process, women, as the main employees in the social sector, lost more jobs than men, bringing the unemployment rate for women up to 20 per cent compared with an unemployment rate for men of 14 per cent.

47. The representative added that, given the fact that the majority of men had never taken their full share of domestic responsibilities, the closure of crèches and kindergartens and the abolition of other supportive social services had imposed a double burden on women's time, which limited their opportunities to struggle for the exercise of their existing rights.

48. The National Platform for the Advancement of Women in Albania, implemented by the State in partnership with women NGOs and the contribution of the donor community as an instrument for the implementation of the Beijing Platform for Action, had thus far contributed to the promotion of women's participation in decision-making, the establishment of microfinance programmes for rural women, advocacy for gender-related activities and awareness of women's rights in the country.

49. Certain challenges remained in establishing effective implementation and monitoring mechanisms that would ensure strategic planning, obtaining adequate financing for the activities of the Beijing Platform for Action and influencing societal attitudes that hindered the advancement of women.

50. Among the positive existing trends, the representative pointed out the revision of textbooks to incorporate a gender perspective, the efforts being made to establish a gender institute within the faculty of Sociology at Tirana University, the awareness among political parties of the need to increase women's participation in decision-making, including the introduction of a quota system in electoral law, and the importance of gender mainstreaming as a new strategy for achieving gender equality.

51. In concluding, the representative of Albania indicated that, despite the efforts made in implementing the Convention, the Government was conscious of the fact that much more needed to be done to enhance and promote the enjoyment of women's rights in practice. Therefore, the Government of Albania was committed to implementing the recommendations of the Committee as a useful guide towards further and better programmes for the advancement of women in Albania.

Concluding comments of the Committee

Introduction

52. The Committee commends the State party for its combined initial and second periodic report, which, although delayed, complies with the Committee's guidelines for the preparation of initial reports.

53. The Committee commends the State party for its delegation, which was headed by the Chairperson of the Committee for Equal Opportunities, and expresses appreciation for the open and frank presentation by the delegation, which provided additional information on the current situation of implementation of the Convention in Albania, and the responses given to the oral questions posed by members of the Committee.

54. The Committee notes with satisfaction that governmental action to implement the Convention, including the National Platform on Women's Advancement, is placed within the context of the implementation of the Beijing Platform for Action and the outcome document of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

Positive aspects

55. The Committee welcomes the fact that Albania acceded to the Convention in 1994 without reservations. The Committee commends the efforts of the State party to have the Convention translated into Albanian and disseminated.

56. The Committee welcomes the early establishment of a national machinery for the advancement of women and gender equality and the establishment of the Office of the People's Advocate (Ombudsman), which may investigate claims of violations of human rights, including women's rights, and make recommendations to redress the violations.

57. The Committee welcomes the efforts undertaken by the State party to improve the collection of data and statistics on women and the establishment of the Information and Documentation Centre as well as its cooperation with the national institute for statistics. It also welcomes the decision to implement specific employment programmes for women in the second half of 2003.

Principal areas of concern and recommendations

58. While noting with satisfaction that, in principle, the Convention is incorporated into Albanian law and thus has precedence over conflicting national laws in those provisions of the Convention which are deemed to be directly applicable, the Committee is nevertheless concerned about the lack of clarity regarding the direct applicability of the Convention in Albania.

59. **The Committee urges the State party to clarify the issue of the direct applicability of the Convention within the national legal order of Albania.**

60. While noting that the Constitution and a number of laws prohibit discrimination on the basis of sex, the Committee expresses concern that the State party has not undertaken a comprehensive review of laws to ensure conformity with the Convention and that some provisions discriminating against women may continue to exist.

61. **The Committee urges the State party to review all existing laws and amend remaining discriminatory provisions so that they become compatible with the Convention and the Committee's general recommendations. It encourages the speedy adoption of the Family Code under revision, including the provision for equality between women and men in the minimum age of marriage.**

62. The Committee is concerned that women have seldom used existing laws to challenge acts of discrimination and that there is no record of court decisions in which women have obtained redress for such acts.

63. **The Committee urges the State party to ensure that Albanian law provides adequate, accessible and affordable enforcement procedures and legal remedies for violation of women's human rights. The Committee invites the State party to provide, in its next report, information about complaints filed in courts on the basis of the Convention, as well as any court decisions that refer to the Convention.**

64. The Committee is concerned that there is a lack of familiarity with the Convention and the opportunities for its application and enforcement, including among the judiciary, law enforcement personnel, non-governmental human rights and women's organizations and women themselves.

65. **The Committee recommends the introduction of education and training programmes on the Convention, in particular for parliamentarians, the judiciary and law enforcement personnel. It recommends that awareness-raising campaigns targeted at women be undertaken so that women can avail themselves of procedures and remedies for violations of their rights under the Convention.**

66. While welcoming the efforts of the Committee for Equal Opportunities, the Committee expresses its concern that the national machinery for the advancement of women does not have sufficient visibility, power or financial and human resources to effectively promote the advancement of women and gender equality.

67. **The Committee recommends that the State party strengthen the existing national machinery in order to make it more effective by providing it with adequate visibility, power and human and financial resources at all levels and enhancing coordination among the existing mechanisms at the national and local levels for the advancement of women and the promotion of gender equality. It also recommends that gender mainstreaming in all ministries, policies and programmes be strengthened through gender training and the creation of focal points.**

68. The Committee is concerned about the persistence of entrenched traditional stereotypes regarding the role and responsibilities of women and men in the family

and in society at large. The Committee is also concerned about the resurgence of discriminatory customary law (kanun) and traditional codes of conduct in some northern areas of the country.

69. **The Committee urges the State party to implement measures to eliminate the practice of customary law and traditional codes of conduct discriminating against women. The Committee further urges the State party to design and implement comprehensive programmes in the educational system to ensure eradication of traditional sex role stereotypes in the family, in employment, in politics and in society. The Committee recommends that the State party encourage the mass media to promote cultural changes with regard to the roles and responsibilities attributed to women and men, as required by article 5 of the Convention.**

70. Recognizing the efforts made by the State party to address the issue of trafficking in women and girls, including the ratification of the United Nations Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, the Committee remains concerned about the continuing prevalence of this problem in Albania, which has become a country of origin and transit for trafficked women and girls. It is concerned that victims of trafficking are subject to punishment under the Albanian Penal Code. It is also concerned that prostitutes, but not those who exploit prostitutes, are prosecuted and punished.

71. **The Committee recommends the formulation of a comprehensive strategy to combat trafficking in women and girls, which should include the prosecution and punishment of offenders. The Committee also encourages the State party to pursue increased international, regional and bilateral cooperation with other countries of origin, transit and destination for trafficked women and girls. It recommends the introduction of measures aimed at improving the economic situation of women so as to eliminate their vulnerability to traffickers, education initiatives for vulnerable groups, including teenage girls, and social support, rehabilitation and reintegration measures for women and girls who have been victims of trafficking. It calls on the State party to ensure that trafficked women and girls have the protection and support they need to enable them to provide testimony against their traffickers. It urges that training of border police and law enforcement officials provide them with the requisite skills to recognize and provide support for victims of trafficking. It recommends that the State party review existing legislation and take steps to ensure that victims of trafficking are not penalized and that all those who exploit prostitutes are punished and prosecuted. The Committee further urges the State party to make the issue of trafficking in women and girls a high priority and to include in its next report comprehensive information and data on the issue and on progress made.**

72. The Committee expresses concern about the high incidence of violence against women, including domestic violence. The Committee is concerned that the Albanian Penal Code does not distinguish between acts committed by a stranger and acts committed by a family member, and that no specific legislation has been enacted to combat domestic violence. It is concerned that there is a lack of systematic data collection on violence against women, in particular domestic violence.

73. **In the light of its general recommendation 19, the Committee urges the State party to place high priority on comprehensive measures to address violence against women in the family and in society, and to recognize that such violence, including domestic violence, constitutes a violation of the human rights of women under the Convention. The Committee calls upon the State party to adopt legislation on domestic violence and to ensure that violence against women is prosecuted and punished with the required seriousness and speed. Women victims of violence should have immediate means of redress and protection, including protection orders and access to legal aid. The Committee recommends that measures be taken to provide shelters for women victims of violence in sufficient numbers and to ensure that public officials, especially law enforcement officials, the judiciary, health-care providers and social workers, are fully sensitized to all forms of violence against women. The Committee recommends that the State party devise a structure for systematic data collection on violence against women, including domestic violence. The Committee invites the State party to undertake awareness-raising measures through the media and public education programmes to make such violence socially and morally unacceptable.**

74. The Committee is concerned about the higher unemployment rate among women than among men. The Committee is concerned that women are not able to receive adequate training and retraining to compete in the job market. The Committee is concerned about discrimination in hiring women, especially in the emerging private sector.

75. **The Committee urges the State party to ensure equal opportunities for women and men in the labour market through, inter alia, the use of temporary special measures in accordance with article 4, paragraph 1, of the Convention. The Committee recommends that the State party design and implement special training and retraining programmes for different groups of unemployed women. It also recommends that effective measures allowing for the reconciliation of family and professional responsibilities be strengthened and that the sharing of domestic and family responsibilities between women and men be promoted. The Committee requests the State party to provide in its next report more detailed information on the situation of women in the labour market, including women's occupations in the different sectors of the economy, their levels of authority and their wages.**

76. The Committee is concerned about the situation of rural women, as the majority of the female population, who are discriminated against in practice with respect to owning and inheriting property, and who are disadvantaged by poverty, poor infrastructures, lack of credit, and limited access to education, health-care services and social insurance. Noting the decrease in the school dropout rate of girls, the Committee remains concerned about this continuing problem. The Committee is also concerned that rural women are hardly represented in local government bodies.

77. **The Committee urges the State party to give full attention to the needs of rural women and to develop comprehensive policies and programmes aimed at their economic empowerment, ensuring their access to productive resources, capital and credit, as well as education, health-care services, social insurance and decision-making. The Committee requests the State party to undertake a study of the ownership and inheritance of land by rural women and of their**

general economic, educational and social situation, and to report the results in its next periodic report.

78. While welcoming the use of minimum targets for women candidates by some political parties in local elections, the Committee is concerned about the low representation of women in high-level elected and appointed bodies, including as members of Parliament, as high-ranking officials within the executive bodies of the Government, the judiciary and civil and diplomatic service, and within local government bodies.

79. **The Committee urges the State party to take measures, including improvements in the election law, to increase the representation of women in elected and appointed bodies through, inter alia, the implementation of temporary special measures, in accordance with article 4, paragraph 1, of the Convention, in order to realize women's right to participation in all areas of public life, particularly at high levels of decision-making. The Committee recommends that the State party increase its efforts in offering or supporting training programmes for current and future women leaders and carry out awareness-raising campaigns regarding the importance of women's participation in political decision-making.**

80. While welcoming the State party's collaboration with and recognition of the important role of non-governmental organizations working on women's issues, the Committee notes with concern the insufficient capacity and resources of these organizations, which makes it difficult for them to implement various projects and programmes in support of the human rights of women. The Committee is also concerned that the State party passes on its own responsibilities for protecting and fulfilling women's enjoyment of their human rights to non-governmental organizations and international donors.

81. **The Committee recommends that the State party strengthen its support for the work of women's non-governmental organizations and ensure that its obligations under the Convention are fully integrated into its overall governmental responsibilities and not carried out by non-governmental organizations alone.**

82. **The Committee urges the State party to accept the amendment to article 20, paragraph 1, of the Convention, concerning the meeting time of the Committee.**

83. **The Committee encourages the State party to ratify the Optional Protocol to the Convention.**

84. **Taking account of the gender dimensions of declarations, programmes and platforms for action adopted by relevant United Nations conferences, summits and special sessions (such as the special session of the General Assembly to review and appraise the implemeatation of the Programme of Action of the International Conference on Population and Development (the twenty-first special session), the special session of the General Assembly on children (the twenty-seventh special session), the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Second World Assembly on Ageing), the Committee requests the State party to include information on the implementation of aspects of these documents relating to relevant articles of the Convention in its next periodic report.**

85. **The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report to be submitted under article 18 of the Convention. It also requests that the report address the general recommendations of the Committee and provide information on the impact of legislation, policies and programmes designed to implement the Convention.**

86. **The Committee requests that the present concluding comments be widely disseminated in Albania in order to make the people of Albania, in particular government officials and politicians, aware of the steps that have been taken to ensure the de jure and de facto equality of women and the further steps required in this regard. It also requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations and the Beijing Declaration and Platform for Action, as well as the results of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".**

Switzerland

87. The Committee considered the combined initial and second periodic report of Switzerland (CEDAW/C/CHE/1-2 and Add.1) at its 590th, 591st and 596th meetings, on 14 and 17 January 2003 (see CEDAW/C/SR.590, 591 and 596).

Introduction by the State party

88. In introducing the report, the representative of Switzerland noted that, while her country had ratified the Convention in 1997, the process of compiling a comprehensive overview of the situation of women in Switzerland and collecting detailed information had taken longer than originally envisioned. That was why the report before the Committee was a combined one. She also stated that the report had been prepared with collaboration from the cantons, social partners and national NGOs and incorporated many of their proposals and views.

89. The representative explained that the Swiss political system was a federalist one composed of three levels: the Confederation, cantons and municipalities. While the Confederation was responsible for the application of federal and international law, the 26 cantons maintained their own political and judicial bodies, including parliaments and tribunals. Many of the areas dealt with in the Convention — for example, health — were within the purview of the cantons, but in other areas, such as education, parallel responsibilities were exercised by the Confederation and the cantons.

90. The revised Federal Constitution, which entered into force on 1 January 2000, confirms the guarantee of equality between men and women and, more specifically, the principle of equal pay for work of equal value, which had been enshrined since 1981 in the Constitution. The representative noted that jurisprudence indicates that the inclusion of that guarantee in the Constitution authorizes the legislature to impose temporary special measures to achieve equality between women and men, as provided for in article 4 of the Convention.

91. Among the structural measures taken by Switzerland towards achieving equality between women and men was the creation, in 1976, of the Federal Commission for Women's Affairs and, in 1988, of the Federal Office for Equality between Women and Men, with responsibility for the promotion of equality in all areas of life. Analogous institutions had been created in most cantons and in five major cities.

92. The National Plan of Action for Equality between Women and Men had been developed in consultation with NGOs and had been launched in 1999. Results of the plan included the creation at the federal level of a gender health service, a service to combat violence, particularly against women, and a service to combat trafficking in persons (including migrants). The representative added that, at the level of international cooperation, gender issues were systematically taken into consideration in the planning of programmes and projects. However, gender mainstreaming was not yet systematized in all activities at the federal level and more work had to be done in terms of awareness-raising, training and the development of new methodologies.

93. The representative gave examples of legislation reviewed and amended by Switzerland to achieve "formal" (de jure) equality between women and men. They included: the matrimonial law of 1988 (which recognized marriage as a partnership and the value of unpaid work); the new divorce law of 2000; the nationality law of 1992; the federal law of old age and survivors' benefits of 1997; and the equality law of 1996, which dealt with non-discrimination between women and men in the workplace. The representative noted, however, that no body had been created with the authority to initiate investigations or bring a complaint in matters of alleged discrimination under that law — the victim herself having to exercise her rights before the relevant tribunals. The representative also noted that complete de jure equality had not yet been achieved and that inequalities still existed in respect of family names and the choice of domicile, which, in general, were those of the husband.

94. With regard to the balancing of work and family responsibilities, the representative stated that differences in income and working hours between women and men were primarily a result of the difficulty women faced in managing both career and family, rather than as a result of differences in levels of training or qualification. Several measures had been employed to address the problem, including the provision of financial aid for projects aimed, inter alia, at assisting in the balancing of family and work life and at the reintegration of women into the workforce after an interruption for family reasons. Between 1996 and 2002, 400 applications for financial assistance had been made, 246 approved and approximately 22 million Swiss francs disbursed. Another initiative had been the "Fair play at home" campaign executed by the Federal Office for Equality and aimed at encouraging young parents to share household and family responsibilities equitably. No federal legislation had yet addressed the issue of paid maternity leave but a proposal of 14 weeks' leave at 80 per cent of pay would be debated by Parliament in the spring.

95. Other issues of concern to the Committee and the measures taken by Switzerland to address them were touched upon. They included the fact that women remained underrepresented in political life, but proposals for the imposition of quotas to ensure such representation had been rejected by the people at both the

federal and the cantonal levels. However, the Federal Commission for Women's Affairs had been involved in a number of initiatives, including the commissioning of a study on the coverage given to women and men candidates by Swiss radio and television during the 1999 federal elections, and the launching of a project that provided mentoring for young women by women politicians.

96. The Government was taking steps, including training for those who worked or dealt with victims and perpetrators, and public awareness-raising campaigns, to address problems related to violence against women and trafficking in women. However, the number of victims of trafficking in Switzerland (a country of destination) had not been determined. With regard to other women's health issues, the representative stated that, in June 2002, the revised penal code, which allows voluntary termination of a pregnancy in the first 12 weeks, had been approved after many years of debate on the issue. In conclusion, the representative noted that the Government had also been working on issues of women's sexual and reproductive health, the health of older women, social assistance for poor women and equality of opportunity for women in education and employment.

Concluding comments of the Committee

Introduction

97. The Committee expresses its appreciation to the State party for its combined initial and second periodic report, which, although delayed, complied with the Committee's guidelines for the preparation of initial reports, and was frank, informative and comprehensive.

98. The Committee commends the State party on its delegation, made up of representatives of different departments with responsibility for the implementation of the Convention as well as a representative of one of the cantons. It expresses appreciation to the State party for the oral presentation, which highlighted significant parts of the report, and for the written responses and further clarification to the questions orally posed by the Committee.

99. The Committee notes with satisfaction that the State party's policies in respect of the achievement of gender equality have been planned and evaluated in the context of the Beijing Platform for Action and the outcome document of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

100. The Committee notes that reservations have been made by the State party to article 7 (b) concerning Swiss military legislation prohibiting women from performing functions involving armed conflict, except in self-defence; article 16, paragraph 1 (g) concerning regulations on family name; and article 15, paragraph 2 and article 16, paragraph 1 (h) concerning interim provisions of the matrimonial regime. The Committee urges the State party to accelerate efforts to review the reservations regularly with a view to withdrawing them and to indicate in its next periodic report, if possible and if still relevant, a timetable for their withdrawal.

Positive aspects

101. The Committee commends the State party for including the principle of gender equality in its Federal Constitution, which explicitly mandates legislators to ensure

women's de jure and de facto equality, particularly in the areas of family, education and work, and authorizes legislators to take steps to ensure equality in line with article 4, paragraph 1, of the Convention. The Committee notes with appreciation that the Swiss legal order ensures the primacy of international treaties, including the Convention, in domestic law.

102. The Committee notes with appreciation the significant law reform undertaken in the State party in several areas in conformity with the Convention, particularly: the Marriage Law (1988), which replaced the husband's preponderant role in the family with a partnership based on equality of rights and obligations on the part of each spouse; the amended Federal Act on the acquisition and loss of Swiss nationality (1992), with identical conditions for both sexes; the new Equality Act (1996), prohibiting discrimination against women in labour relations, which applies to both public and private employers; the tenth revision of the Federal Act on old-age and survivors' insurance (1997), establishing a system of individual pensions independent of civil status; and the new Divorce Law (2000), regulating the economic consequences of divorce. The Committee also notes with appreciation the adoption of the National Plan of Action for Equality between Women and Men (1999) in order to further the advancement of women and gender equality.

103. The Committee acknowledges the work systematically undertaken by women's non-governmental organizations in raising awareness and mobilizing public opinion with regard to equality issues and appreciates the common efforts and cooperation between the State party and civil society in advancing the cause of equality in conformity with the National Plan of Action. The Committee commends the State party for its interaction with civil society in the preparation of the report and for the extensive publicity given to the report in Switzerland.

104. The Committee commends the State party for systematically integrating a gender dimension into the various aspects of its development cooperation programmes.

105. The Committee commends the State party for having accepted the amendment to article 20, paragraph 1, of the Convention on the Committee's meeting time.

Principal areas of concern and recommendations

106. The Committee notes with concern that, although the doctrine of monism is applied in the State party, the Federal Council has expressed the view that the Convention is largely programmatic and that its provisions are not, in principle, directly applicable. The Committee is therefore concerned that Swiss law may not provide women with the necessary means to enforce all their rights under the Convention.

107. **The Committee recommends that the State party ensure effective enforcement of the rights enshrined in the Convention and provide women with appropriate remedies in the courts for violations of the rights protected by the Convention. It also recommends awareness-raising campaigns about the Convention aimed at parliamentarians, the judiciary and legal professionals. The Committee requests that the State party report on progress made in this regard in its next periodic report and provide information on whether the Convention has been invoked before domestic courts.**

108. The Committee is concerned that there is no definition in domestic law of "discrimination against women" reflecting article 1 of the Convention. It is concerned at the information given in the report that differentiated treatment of women and men is permissible in cases where equality of treatment is ruled out by biological or "functional" differences.

109. **The Committee recommends that the State party take steps to include in its legislation a provision for non-discrimination on the grounds of sex, as defined in article 1 of the Convention.**

110. The Committee is concerned that the different levels of authority and competencies in the State party create difficulties in respect of the implementation of the Convention throughout the Confederation and with regard to coordination and accountability. The Committee is also concerned that the federal structure and the form of grass-roots democracy practised in the State party have slowed progress in eliminating discrimination against women and achieving gender equality.

111. **The Committee recommends to the State party that it ensure uniformity of results in the implementation of the Convention within the Confederation, through effective coordination and the establishment of a mechanism to monitor compliance with the provisions of the Convention at all levels and in all areas.**

112. While appreciating the work undertaken by the machinery for gender equality at the national, cantonal and communal levels, namely the Federal Commission of Women's Issues, the Federal Office for Equality between Women and Men and the Gender Equality delegates and services, the Committee is concerned that such institutions may lack sufficient power, visibility and resources, both human and financial, to carry out their specific tasks and to ensure coordination of gender-mainstreaming efforts in all areas of governance.

113. **The Committee recommends that the State party strengthen the existing machinery for gender equality by providing it with adequate human and financial resources at all levels. It also recommends that the State party enhance coordination among the existing institutions for the advancement of women and the promotion of gender equality in order to ensure gender mainstreaming at all levels and in all areas.**

114. The Committee is concerned about the persistence of entrenched, traditional stereotypes regarding the role and responsibilities of women and men in the family and in society at large which are reflected in women's educational choices, their situation in the labour market and low participation in political and public life.

115. **The Committee urges the State party to design and implement comprehensive programmes in the educational system, including human rights education and gender training, and to disseminate information on the Convention, with a view to changing existing stereotypical attitudes on women and men's roles, including advancing the notion of parenting as a social responsibility of both mothers and fathers. It recommends that awareness-raising campaigns be addressed to both women and men and that the media be encouraged to project a positive image of women and of the equal status and responsibilities of women and men in the private and public spheres.**

116. While recognizing current legal and other efforts by the State party to address violence against women, including the creation of a gender health service and a centre to fight violence against women and the training of staff called upon to deal with cases of violence, the Committee is concerned about the prevalence of violence against women and girls, including domestic violence.

117. **The Committee calls upon the State party to intensify its efforts to address the issue of violence against women, including domestic violence, as an infringement of their human rights. In particular, the Committee urges the State party to adopt laws and implement policies in accordance with the Committee's general recommendation 19, in order to prevent violence, provide protection, support and services to the victims and punish and rehabilitate offenders.**

118. The Committee is deeply concerned by the significant number of cases of female genital mutilation among migrant women of African descent.

119. **The Committee recommends that the State party urgently take all appropriate measures, including legislation, to eradicate the harmful traditional practice of female genital mutilation.**

120. The Committee is concerned about the particular situation of foreign women who experience domestic violence and whose residence permits depend on their living together with their spouse. The Committee is concerned that fear of expulsion will be a deterrent for these women to seek assistance or take steps to seek separation or divorce.

121. **The Committee recommends that revocation of the temporary residence permits of foreign married women who experience domestic violence, and any legislative changes with regard to residency requirements that may be under consideration, be undertaken only after a full assessment of the impact of such measures on those women.**

122. The Committee expresses concern at the situation of migrant women in Switzerland, particularly the discrimination in education and employment they experience and the risk of exploitation and violence that they face. The Committee is concerned that foreign women sometimes encounter additional difficulties in obtaining access to heath care and that the percentage of women with HIV/AIDS is increasing among foreign women, those from sub-Saharan Africa being the most affected. The Committee is also concerned about the special visa regulations for foreign cabaret dancers and the potential dangers and risks that their situation may entail. The Committee is furthe concerned that the State party has yet to carry out studies on the extent of discrimination against migrant women and the multiple discrimination they often face on the basis of their race, sex, ethnicity and religious affiliation.

123. **The Committee urges the State party to take effective measures to eliminate discrimination against migrant women. It encourages the State party to be proactive in its measures to prevent discrimination against them, both within their communities and in society at large, to combat violence against them and to increase their awareness of the availability of social services and legal remedies. The Committee recommends that foreign women's health needs, in particular as regards information on preventing HIV infection, be fully addressed. The Committee requests the State party to review and reconsider**

the special visa regulations for cabaret dancers and to study their de facto situation in the light of the potential dangers and risks that their situation may entail. It also requests the State party to take appropriate measures to protect the women concerned from all forms of exploitation and to take action aimed at changing men's and society's perception of women as sex objects. The Committee also urges the State party to conduct regular and comprehensive studies on discrimination against migrant women and to collect statistics on their situation in employment, education and health and on the various forms of violence they experience so as to enable the Committee to form a clear picture of their de facto situation.

124. While recognizing the efforts made by the State party to address the issue of trafficking in women and girls, the Committee remains concerned about the prevalence of this grave problem, which is a human rights violation. The Committee is also concerned about the exploitation of prostitutes in the State party. It considers that measures to address these phenomena are insufficient and that information on these issues is lacking.

125. **The Committee urges the State party to continue its efforts to combat trafficking in women and girls. It recommends the formulation of a comprehensive strategy, which should include measures of prevention, the prosecution and punishment of offenders and increased international, regional and bilateral cooperation. It calls on the State party to ensure that trafficked women and girls have the support they need, including residence permits, so that they can provide testimony against their traffickers. It further urges that training of border police and law enforcement officials be pursued so as to enable them to render support to victims of trafficking. The Committee recommends the development of programmes of action for women forced into prostitution by poverty and the adoption of all appropriate measures to combat and eradicate the exploitation of prostitution, including the prosecution of, and strong penalties for, those who exploit prostitutes. The Committee requests the State party to provide in its next report comprehensive information and data on the trafficking of women and girls and the exploitation of prostitutes.**

126. The Committee is concerned that, while women make up 54 per cent of the electorate, they are significantly underrepresented in elected and appointed posts in political decision-making bodies. While acknowledging some positive developments, the Committee is also concerned at women's low rate of participation in the administration, the judiciary and the diplomatic service as well as their low representation at the international level. The Committee is further concerned that, while regional, linguistic and other quotas are generally accepted, the adoption of quotas in political life that would aim at gender balance has been systematically rejected in the State party.

127. **The Committee encourages the State party to take sustained measures to increase the representation of women in elected and appointed bodies, including temporary special measures in accordance with article 4, paragraph 1, of the Convention, in order to realize women's right to equal participation in public and political life. The Committee also recommends that adequate measures be taken with the aim of achieving balanced participation of women and men in the various areas and levels of public life, particularly in the administration, the judiciary and the diplomatic service.**

128. The Committee is concerned that, despite the constitutional mandate to ensure gender equality in the field of education, gender inequality prevails in the stereotyped choices both sexes make regarding vocational training and higher education, particularly technical education. The Committee is also concerned that similar patterns can be found among teaching staff, both as regards their professional level and the traditional subjects they teach.

129. **The Committee recommends that the State party intensify its efforts to encourage diversification of the educational choices of boys and girls, mainly through counselling, to help them to fully develop their personal potential.**

130. The Committee is concerned that, although women's rate of participation has been steadily rising and notwithstanding the constitutional mandate to establish gender equality in work and the constitutional provisions on the right to equal pay for work of equal value, as well as the Equality Act, women remain disadvantaged in the labour market. The Committee is particularly concerned at the pay differentiation between women and men and some criteria used to justify it, particularly as regards considerations of a social nature, such as family responsibilities. The Committee is further concerned by the high prevalence of women in part-time work, the higher rate of unemployment among women as compared with men, and the difficulties mainly faced by women in reconciling their personal and family lives with professional and public responsibilities.

131. **The Committee urges the State party to ensure de facto equal opportunities for women and men in the labour market through, inter alia, the use of temporary special measures in accordance with article 4, paragraph 1, of the Convention. The Committee recommends that efforts be made to eliminate occupational segregation, both horizontal and vertical, through, inter alia, education, training and retraining, and effective enforcement mechanisms. It also recommends that job evaluation systems based on gender-sensitive criteria be developed with the aim of closing the existing wage gap between women and men. The Committee recommends that measures allowing for the reconciliation of family and professional responsibilities be adopted and implemented and that equal sharing of domestic and family tasks between women and men be promoted.**

132. The Committee expresses concern over the delay in introducing paid maternity leave in the State party and notes that several proposals to introduce paid maternity leave have been rejected by popular vote.

133. **The Committee calls upon the State party to ensure the speedy enactment of the draft legislation on maternity leave with pay that was adopted by the Federal Council and the National Council in November and December 2002 and to provide information on its implementation in the next periodic report. The Committee recommends the undertaking of awareness-raising campaigns for developing a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children. Such campaigns should also stress the role of men and pave the way for a debate on the issue of paternity and parental leave as important factors in the sharing of family responsibilities and guaranteeing equality for women in the labour market and in social life.**

134. The Committee is deeply concerned that, in spite of the high level of development of the State party, there are groups of women, mainly those who are single heads of household and elderly women, who have been particularly affected by poverty.

135. **The Committee recommends that the State party closely monitor the poverty situation of women in the most vulnerable groups and implement effective measures and training programmes that will allow them to fully enjoy the benefits of the State party's development.**

136. The Committee is concerned that, under Swiss law, the status of spouses is still unequal as regards cantonal and communal domicile rights. It notes that attempts to abolish that inequality were defeated in Parliament in June 2001.

137. **The Committee calls upon the State party to ensure that the legislation that regulates cantonal and communal domiciie rights is brought into harmony with the Convention.**

138. **The Committee urges the State party to ratify the Optional Protocol to the Convention.**

139. **Taking account of the gender dimensions of declarations, programmes and platforms for action adopted by relevant United Nations conferences, summits and special sessions (such as the special session of the General Assembly to review and appraise the implementation of the Programme of Action of the International Conference on Population and Development (the twenty-first special session), the special session of the General Assembly on children (the twenty-seventh special session), the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Second World Assembly on Ageing), the Committee requests the State party to include information on the implementation of aspects of these documents relating to relevant articles of the Convention in its next periodic report.**

140. **The Committee urges the State party to respond in its next periodic report to the specific issues raised in the present concluding comments. The Committee also urges the State party to collect and analyse comprehensive sex-disaggregated data pertaining to the Confederation, the cantons and the communes and to include such data in its next report.**

141. **The Committee requests that the text of the present concluding comments be widely disseminated in Switzerland in all official languages so as to inform the public, in particular administrators, officials and politicians, of the measures taken to guarantee de jure and de facto equality between men and women and of the supplementary measures to be adopted in that area. The Committee also urges the State party to continue to give broad publicity to the Convention, its Optional Protocol, the general recommendations of the Committee, the Beijing Declaration and Platform for Action, and the results of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century", which was held in June 2000, particularly among women's associations and human rights organizations.**

2. Combined initial, second, third, fourth and fifth periodic report

Congo

142. The Committee considered the combined initial, second, third, fourth and fifth periodic report of the Congo (CEDAW/C/COG/1-5 and Add.1) at its 606th and 607th meetings, on 27 and 29 January 2003 (see CEDAW/C/SR.606 and 607).

Introduction by the State party

143. In introducing the report, the representative of the Congo stated that, since the ratification of the Convention in 1982, much had been accomplished in respect of the advancement of women, although economic constraints and the social and political conflicts that had been affecting the country since 1993 had placed women in a vulnerable situation. The present Government's policy had made it possible to re-establish confidence and trust in the minds of Congolese women.

144. The representative informed the Committee that officials in the Department for the Advancement of Women, representatives of the administration, non-governmental organizations, associations and individuals had been involved in the drafting of the report, which had been presented to the public and adopted by the Government. The Government adhered to the principles of the Beijing Platform for Action and the Dakar Plan of Action to ensure the effective advancement of women and girls. Women's rights, violence against women, poverty eradication, health and environment were identified as priority areas in the Government's policy for the advancement of women and its action plan adopted in 1999.

145. The legal system remained dualistic. Customary law existed alongside modern law and, thanks to the efforts of the Government, provisions were in place to ensure the effective application of the latter. The country had known various political regimes and now had a multiparty system. The new Constitution of 20 January 2002 upheld the tradition of the country's earlier constitutions in clearly recognizing equality between men and women in all areas of life. All citizens were equal before the law and any discrimination based on origin, social or material circumstances, racial, ethnic or departmental affiliation, gender, education, language, religion, philosophy or place of residence was prohibited. Furthermore, the law provided for women's representation in all political, elective and administrative functions.

146. The Congo had ratified several international human rights treaties and recognized the primacy of international public law. Although, in principle, gender equality was ensured, some de jure and de facto discrimination still existed. For example, under the Family Code, men were heads of the family and decided on the choice of the conjugal domicile in case of disagreement between the spouses. Furthermore, husbands could prohibit their wives from performing certain jobs in the interest of the family. There had been progress, but inequality persisted in matters of retrograde taboos and customs, such as widow rites and levirate.

147. The representative indicated that there had been an evolution in the national machinery for the advancement of women. The Secretariat of State within the Ministry of Agriculture, Rearing, Fisheries and the Advancement of Women was responsible for the advancement of women and the integration of women into development. Focal points had been set up within various departmental offices, adding a gender dimension to the public administration. The ministerial department

responsible for women's issues, set up in 1992, had worked very closely with some 450 non-governmental organizations and associations. A number of activities had been carried out, including the holding of a general conference on women in 2001, which enabled some 1,000 Congolese women of all political affiliations and from all regions to examine their commonalities and their political, economic and sociocultural concerns. Another achievement was the creation of a centre for research, information and documentation on women, called "The House of Women".

148. Stereotyping was a source of concern to both the Government and non-governmental organizations which endeavoured to empower women and make them aware of their rights. Sexist stereotypes existed within the family, in the media and in the workplace. Certain stereotyping could also be seen in school textbooks that tended to reproduce the sexual division of work. The female illiteracy rate was very high. Women often fell victim to sexual harassment, and the media, which was male-dominated, sometimes broadcast negative images of women.

149. Women were assured equal access to high-level posts under the Constitution and electoral law. The representative indicated that there had been an increasing number of women candidates in various elections as a result of awareness-raising campaigns. Of the 1,205 women participating in legislative, senatorial and local elections, 89 women had been elected. Women made up 9.3 per cent of the National Assembly and 15 per cent of the Senate and their percentage at the local level stood at 8.55 per cent. There were no women ambassadors. However, there were five women in the new Government team. While equality between women and men was provided for in legislation in the areas of access to employment, promotion and pay, women generally held middle-level jobs because of the inadequacy of their qualifications. Women's share in agricultural labour, such as food production, traditional processing of agricultural products and marketing of products, was high.

150. The representative informed the Committee that, according to Congolese legislation, women had the right to keep their nationality upon marriage and in cases where their husbands changed nationality. Legislation gave girls and boys equal access to education, and public schooling was free and mandatory until the age of 16. The proportion of girls in primary schools was almost equal to that of boys. The attendance of girls in secondary schools was low because of poverty and early pregnancies. Girls generally did not enrol in technical institutions. At the level of higher education, girls represented 18.6 per cent of students at Marien Ngouabi University. Their share in scientific courses was low, with 11 per cent enrolled in natural sciences, 18 per cent in economics and 21 per cent in medicine.

151. The representative said that an awareness-raising campaign had been launched covering reproductive health, including sexual health, family planning, HIV/AIDS and sexually transmitted infections. The National Health Development Plan, Act No. 14-92 of 29 April 1992, served as the framework for the national policy in the field of health, with women and children occupying a privileged place. The maternal mortality came to 890 per 100,000 live births and the fertility index stood at 6.3 children per woman. The prevalence of contraception was about 3 per cent. Legislation dating from 1920 prohibited abortion and propaganda relating to contraception. Therefore, deaths were caused by clandestine abortions. A bill was being discussed in Parliament to repeal that legislation on abortion.

152. Women suffered from various forms of violence, including domestic violence, but they did not dare to complain. The Government, non-governmental associations

and institutions, such as the International Relief Committee, the Red Cross, the Congolese Association for Family Well-being, the Association of Women Lawyers of Congo, and Women of Hope, had carried out awareness-raising campaigns and assisted in providing material, legal, medical and psychological services. The Government had also set up six health centres run by psychologists, sociologists, doctors and midwives for victims of sexual violence.

153. In concluding, the representative stated that the situation of women in the Congo had improved markedly. The activities of the Department for the Advancement of Women, carried out in partnership with various civil society groups, including non-governmental organizations, were continuing to bear fruit. Women in the country were becoming increasingly mobilized and aware. Nonetheless, much still remained to be done.

Concluding comments of the Committee

Introduction

154. The Committee commends the State party for its combined initial, second, third, fourth and fifth periodic report, which, although long overdue, was in accordance with the Committee's guidelines for the preparation of reports. It also commends the State party for the oral presentation made by the delegation and its written replies to questions posed by the Committee that sought to clarify the current situation of women in the Congo, and provided additional information on the implementation of the Convention.

155. The Committee appreciates the frank responses provided by the delegation to its questions and the constructive dialogue that took place between the delegation and the members of the Committee.

Positive aspects

156. The Committee commends the State party for having initiated a three-year plan of action for the advancement of women and for initiating the review and reform of domestic legislation that is discriminatory to women.

157. The Committee is also pleased to note the involvement of non-governmental organizations and civil society in the preparation of the combined initial, second, third, fourth and fifth periodic report.

Principal areas of concern and recommendations

158. The Committee expresses concern that, while article 8 of the Constitution guarantees equality between women and men, no specific definition of discrimination has been incorporated into domestic legislation.

159. **The Committee recommends that a definition of discrimination against women in line with that set out in article 1 of the Convention be incorporated into the domestic legislation of the Congo.**

160. The Committee expresses concern at the continued existence of legal pluralism with discriminatory components and obsolete provisions in customary law and statutory law, the latter including criminal law regarding adultery; the labour and

taxation laws; and family law, particularly with regard to the difference in the age at which women and men may enter into marriage.

161. **The Committee urges the State party to accelerate the process of law reform in order to bring its laws into conformity with the provisions of the Convention and with the principle of equality between women and men enshrined in its Constitution.**

162. While noting the various programmes and policies being initiated by the institutional machinery for the advancement of women, the Committee expresses concern that no information has been provided on the impact of these measures on women in the Congo.

163. **The Committee requests the State party to provide detailed information regarding the impact on women in the Congo of measures taken for the advancement of women in its next periodic report to be submitted under article 18 of the Convention.**

164. The Committee notes with concern the continued persistence of stereotypical attitudes in respect of the role and responsibilities of women and men that undermine women's human rights.

165. **The Committee urges the State party to increase its efforts to address stereotypical attitudes about the roles and responsibilities of women and men that perpetuate direct and indirect discrimination against women and girls. These should include educational measures at all levels, beginning at an early age; the revision of school textbooks and curricula; and awareness-raising campaigns directed at both women and men — designed, where relevant, with the involvement of the media and civil society, including non-governmental organizations — to address stereotypes regarding the role of women and men with a view to combating discrimination against women. The Committee also calls upon the State party to periodically review the measures taken in order to identify shortcomings and to adjust and improve those measures accordingly, and to report thereon to the Committee in its next report.**

166. The Committee expresses concern about the high incidence of violence against women and the apparent lack of clear policies and programmes to address this violation of women's human rights. It is particularly concerned about domestic violence, rape, including marital rape; sexual harassment in the workplace and in institutions of learning; and other forms of sexual abuse of women.

167. **The Committee urges the State party to accord priority attention to the adoption of comprehensive measures to address violence against women and girls in accordance with its general recommendation 19 on violence against women. The Committee calls on the State party to enact or review, as appropriate, legislation on domestic violence, including marital rape, and legislation concerning all forms of sexual harassment as soon as possible in order to ensure that violence against women and girls constitutes a criminal offence, that women and girls who are victims of violence or sexual harassment have access to immediate means of redress and protection and that perpetrators are prosecuted and punished. The Committee recommends gender-sensitive training for parliamentarians, the judiciary and public officials, particularly law enforcement personnel, and health service providers. It also recommends the establishment of counselling services for victims of**

violence and sexual harassment; the implementation of public awareness campaigns through the media and public education programmes; and the adoption of a zero-tolerance policy on all forms of violence against women.

168. While noting a slight increase in the number of women elected to parliament, the Committee expresses concern that the number of women in decision-making positions remains low in politics, the judiciary and the civil service. The Committee is particularly concerned at the absence of women in decision-making positions in the foreign service.

169. **The Committee recommends that the State party take measures to increase the number of women in decision-making positions in all spheres. It also recommends that the State party introduce temporary special measures, in accordance with article 4, paragraph 1, of the Convention, to strengthen and accelerate its efforts to promote and elect women to positions of power, supported by special training programmes and awareness-raising campaigns aimed at underlining the importance of women's participation in decision-making at all levels.**

170. The Committee is concerned at the low rate of female literacy, the low number of girls who complete primary education in both the urban and rural areas, and the high drop-out rate of girls due to, inter alia, pregnancies and early marriage.

171. **The Committee urges the State party to strengthen its efforts to improve the literacy level of girls and women to ensure equal access of girls and women to all levels of education and to take all appropriate measures to prevent girls from dropping out of school. The Committee further urges the State party to encourage an increase in the enrolment of girls at all levels and recommends that such efforts include further use of temporary special measures, in accordance with article 4, paragraph 1, of the Convention.**

172. The Committee is concerned that there is unequal access to the labour market and that women are confined to work in agriculture and the informal sectors, which are related to low incomes and wages. The Committee is further concerned at the lack of social benefits and a regulatory framework to protect women's human rights within these sectors.

173. **The Committee urges the State party to take all possible measures to ensure that women have access to the labour market on an equal basis with men. The Committee recommends that the State party take measures to provide a regulatory framework for the informal sector.**

174. The Committee notes with concern the existence of very high maternal and infant mortality rates in the Congo. The Committee is further concerned at the low contraceptive prevalence rate among women and men and the lack of access of women to adequate pre-natal and post-natal care and family planning information, particularly in rural areas.

175. **The Committee recommends that the State party make every effort to raise awareness of and increase access to health-care facilities and medical assistance by trained personnel, particularly in rural areas and particularly in the areas of post-natal care. The Committee further recommends the speedy review and amendment of the Act of 31 July 1920, which prohibits the advertising of contraceptives, thereby limiting women's access to family planning.**

176. The Committee expresses concern that the State party has not developed a strategic plan to address the issue of HIV/AIDS as it affects women, nor has it taken measures for the care of women and girls infected with and affected by HIV/AIDS.

177. **The Committee urges the State party to take comprehensive measures to combat the HIV/AIDS pandemic, to take strong preventive measures and to ensure that women and girls infected with HIV/AIDS are not discriminated against and are given appropriate assistance.**

178. The Committee expresses concern about the situation of rural women, particularly in view of their extreme poverty and lack of access to health, education, credit facilities and community services.

179. **The Committee urges the State party to pay special attention to the needs of rural women, ensuring that they participate in decision-making and have full access to education, health services and credit facilities. The Committee also urges the State party to take appropriate measures, including review of legislation, in order to eliminate all forms of discrimination with respect to ownership, co-sharing and inheritance of land.**

180. The Committee expresses concern at the continued existence of the practice of polygamy in the Congo, which is discriminatory to women. The Committee wishes to draw the State party's attention to the Committee's general recommendation number 21, paragraph 14, which states:

> "... polygamous marriage contravenes a woman's right to equality with men, and can have such serious emotional and financial consequences for her and her dependants that such marriages ought to be discouraged and prohibited. The Committee notes with concern that some States parties, whose constitutions guarantee equal rights, permit polygamous marriage in accordance with personal or customary law. This violates the constitutional rights of women, and breaches the provisions of article 5 (a) of the Convention."

181. **The Committee recommends action without delay by the State party to bring marriage laws, particularly as they relate to polygamy, into compliance with the Constitution and the Convention.**

182. The Committee expresses concern about the continued existence of discriminatory family laws and traditional practices, including those related to dowries and adultery. The Committee is particularly concerned about the practice of pre-marriage in view of the fact that Congolese law, while recognizing the practice, does not stipulate a minimum age for pre-marriage partners.

183. **While noting the State party's willingness to abolish pre-marriage, the Committee recommends, as an interim measure, that the minimum age for pre-marriage be brought in line with the legal age for marriage and that all measures be taken to ensure that women in both pre-marriage and marriage enjoy equal rights within and upon dissolution of the union. It also urges the introduction without delay of measures to eliminate negative customs and traditional practices which affect women's full enjoyment of their human rights. The Committee recommends that discriminatory family laws be phased out and that a clear time frame be established for achieving this.**

184. **Noting the State party's commitment to adhering to the periodicity of submission of periodic reports, and taking into consideration the fact that the sixth periodic report of the Congo will be due in July 2003, the Committee recommends that the State party combine its sixth and seventh periodic reports for submission in 2007. This would allow the State party to adhere to the periodicity of reports thereafter.**

185. **The Committee requests that specific information be included in the next periodic report on measures taken to implement the decisions of the Fourth World Conference on Women and, in particular, the twenty-third special session of the General Assembly, especially with regard to the 2005 target for the elimination of all laws that are discriminatory to women.**

186. **The Committee urges the State party to accelerate its efforts to ratify the Optional Protocol to the Convention and to accept the amendment to article 20, paragraph 1, of the Convention.**

187. **Taking account of the gender dimensions of declarations, programmes and platforms for action adopted by relevant United Nations conferences, summits and special sessions (such as the special session of the General Assembly to review and appraise the implementation of the Programme of Action of the International Conference on Population and Development (the twenty-first special session), the special session of the General Assembly on children (the twenty-seventh special session), the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Second World Assembly on Ageing), the Committee requests the State party to include information on the implementation of aspects of these documents relating to relevant articles of the Convention in its next periodic report.**

188. **The Committee requests the State party to respond to the concerns and recommendations expressed in the present concluding comments in its next periodic report to be submitted under article 18 of the Convention and to take into account the Committee's general recommendations in legislation, policies and programmes.**

189. **The Committee requests the wide dissemination in the Congo of the present concluding comments in order to make the people of the Congo, in particular government administrators and politicians, aware of the steps that have been taken or are intended to be taken to ensure the de jure and de facto equality of women. It also requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations and the Beijing Declaration and Platform for Action, as well as the results of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".**

3. Combined third and fourth periodic report

Kenya

190. The Committee considered the combined third and fourth periodic report of Kenya (CEDAW/C/KEN/3-4) at its 592nd and 593rd meetings, on 15 January 2003 (see CEDAW/C/SR.592 and 593).

Introduction by the State party

191. In introducing the report, the representative of Kenya expressed the commitment of her Government to ensure that gender equality was promoted as a necessary precondition for national development. She noted that measures had been taken to remove social, cultural and legal obstacles for women through various efforts. As a first step, the National Machinery for the Advancement of Women had been elevated from a division within a department to a full department within the new Ministry of Gender, Sports, Culture and Social Services.

192. The representative also stated that the Standing Committee on Human Rights, established in 1996, had been transformed into the Kenya National Commission on Human Rights in 2002. The main function of the Commission was to investigate violations of human rights on its own initiative or upon a complaint by a person or group of persons. The Commission would ensure that the Government complied with its obligations under international treaties and conventions on human rights.

193. The representative informed the Committee that a draft constitution had been published on 27 September 2002. The draft was regarded as a milestone for the women of Kenya because it sought to eliminate existing discriminatory practices against women. The representative pointed out that section 34 of the draft constitution expanded the definition of discrimination to include race, sex, pregnancy, marital status, ethnic or social origin, colour, age, disability, religion, conscience, belief, culture, language and birth and required that injustices against women be addressed through legislative or other means. Measures had been taken to ensure that a new Constitution was in place by June 2003.

194. The representative also indicated that deliberate attempts had been made to improve, among other things, women's representation in the judiciary, the diplomatic service and the administration. In the civil service, the number of women appointed to decision-making positions had increased. In the recently concluded national elections, the number of women elected to Parliament had also increased. Out of those, three had been appointed to the Cabinet as ministers in the Office of the Vice-President, the Ministry of Water Resources Management and Development and the Ministry of Health, respectively. Out of the 12 slots for nominated members of Parliament, the current Parliament had nominated 8 highly qualified professional women. There were currently 17 women parliamentarians, the highest number in the history of Kenya.

195. The Government had implemented a policy of free and compulsory primary education, which would, among others, address gender disparities and ensure that more girls are enrolled and complete primary school.

196. The representative recognized that poverty needed to be reduced in order to achieve sustainable economic growth. In that context, a Poverty Reduction Strategy Paper had been prepared in 2001. She noted that the paper was a short-term strategy that sought to implement the National Poverty Eradication Plan in a series of three-year rolling plans. A gender thematic group had been formed specifically to make the document gender-sensitive.

197. HIV/AIDS had become a major threat to social and economic development, and the representative pledged her Government's commitment to intensifying the HIV/AIDS campaign. She indicated that major priority actions in combating the spread of the pandemic included publication and enactment of the HIV and AIDS

Prevention and Control bill of 2002, developing a comprehensive HIV/AIDS research and control programme based on partnerships with stakeholders, and access to affordable anti-retroviral drugs.

198. In concluding, the representative informed the Committee that laws would be implemented and enacted to give effect to the empowerment of women. They included the Equality bill of 2001 and the National Commission on Gender and Development bill of 2002. The Government would ensure acceleration of the implementation of the Poverty Reduction Strategy Paper and mainstreaming of gender in all sectors of development. Ratification of the Optional Protocol to the Convention was under consideration and a decision to that effect would be communicated in due course.

Concluding comments of the Committee

Introduction

199. The Committee commends the State party for its large delegation, headed by the Permanent Secretary in the Ministry of Gender, Sports, Culture and Social Services, and expresses appreciation for the written replies to the questions of the Committee's pre-session working group and for the oral presentation, which provided additional information on the implementation of the Convention and the current situation of women in Kenya.

200. The Committee commends the State party for formulating a five-year Plan of Action based on all the 12 critical areas of concern of the Beijing Platform for Action.

201. The Committee commends the State party for its declared political will and efforts to improve the status of women in Kenya. The Committee appreciates the frankness and openness of the delegation's dialogue with members of the Committee.

Positive aspects

202. The Committee welcomes the draft constitution which will come into force by June 2003, as it addresses issues of the reform of existing discriminatory laws.

203. The Committee welcomes the transformation of the Standing Committee on Human Rights into the Kenya National Commission on Human Rights, and commends the State party for elevating the National Machinery for the Advancement of Women, giving it more autonomy within the new Ministry of Gender, Sports, Culture and Social Services.

204. The Committee is pleased to note that consultations were held with representatives of different ministries and civil society, including non-governmental organizations, in the preparation of the combined third and fourth periodic report.

Principal areas of concern and recommendations

205. Although the draft constitution, once enacted, should provide for the applicability of international conventions ratified by the State party in domestic courts of law, the Committee is concerned that the Convention on the Elimination of

All Forms of Discrimination against Women has not yet been incorporated into domestic law and its provisions have not been invoked before the courts.

206. **The Committee recommends that the State party incorporate the provisions of the Convention on the Elimination of All Forms of Discrimination against Women into domestic law without delay and requests the State party to ensure that the provisions of the Convention are fully reflected in the constitution and in all legislation.**

207. The Committee is concerned that legislative provisions as well as customary laws and practices that discriminate against women in areas such as marriage, divorce, burial and devolution of property on death continue to exist. The Committee is further concerned at the continued existence of multiple laws governing marriage and divorce.

208. **The Committee recommends that the State party take appropriate action to eliminate all discriminatory laws, practices and traditions and to ensure women's equality with men particularly in marriage and divorce, burial and devolution of property upon death in accordance with the provisions of the Convention. In this regard, the Committee recommends speedy enactment of the relevant bills, including the Domestic violence (family protection) bill of 2002; the Equality bill of 2001; the National Commission on Gender and Development bill of 2002; the Criminal law amendment bill of 2002; the HIV/AIDS Prevention and Control bill of 2002; and the Public Offices Code of Ethics bill of 2002. The Committee also recommends that the State party's relevant ministries continue working with civil society, including non-governmental organizations, in order to create an enabling environment for legal reform, effective law enforcement and legal literacy.**

209. The Committee expresses concern about the persistence of cultural practices and stereotypical attitudes with respect to the role and responsibilities of women that undermine their rights.

210. **The Committee requests the State party to increase its efforts to create awareness in society about the need to change stereotypical attitudes and discriminatory behaviour towards women and girls through, inter alia, specific programmes directed at both women and men in this regard. The Committee further encourages the media to project a positive image of women and to promote the equal status of women and men in both the public and private spheres. It also calls upon the State party to periodically review the measures taken in order to identify shortcomings and to adjust and improve those measures accordingly.**

211. The Committee expresses concern at the continued prevalence of violence against women. It is particularly concerned about domestic violence, sexual harassment in the workplace and in institutions of learning, and other forms of sexual abuse of women.

212. **The Committee urges the State party to accord priority attention to the adoption of comprehensive measures to address violence against women and girls, taking into account its general recommendation 19 on violence against women. The Committee calls on the State party to enact or review, as appropriate, legislation on all forms of violence against women, including domestic violence, as well as legislation concerning all forms of sexual**

harassment, in order to ensure that women and girls who are victims of violence and sexual harassment have access to protection and effective redress and that perpetrators of such acts are prosecuted and punished. The Committee also recommends gender-sensitive training for public officials, particularly law enforcement personnel, the judiciary and health services providers. It also recommends the establishment of shelters and counselling services for victims of violence and sexual harassment.

213. The Committee notes with concern that, despite the prohibition of female genital mutilation by the State party, the practice persists and is widely accepted in the country.

214. **The Committee recommends that the State party develop a plan of action, including a public-awareness campaign, targeted at both women and men, with the support of civil society, including non-governmental organizations, to eliminate the practice of female genital mutilation and encourages the State party to create an enabling environment for effective law enforcement and to devise programmes for alternate sources of income for those who perform female genital mutilation as a means of livelihood.**

215. While recognizing an increase in the number of women recently appointed to key decision-making positions, the Committee expresses concern that this number remains low in parliament, the judiciary and the diplomatic and civil service.

216. **The Committee recommends that the State party take measures to increase the number of women in decision-making positions. It also recommends that the State party introduce temporary special measures, in accordance with article 4, paragraph 1, of the Convention, to strengthen its efforts to promote and elect women to positions of power, supported by special training programmes and awareness-raising campaigns, taking into account the Committee's general recommendation 23.**

217. The Committee expresses concern at the discriminatory nature of Kenyan laws relating to citizenship and nationality.

218. **The Committee urges the State party to reconcile Kenyan citizenship laws with the provisions of the draft constitution and article 9 of the Convention in order to eliminate all provisions that discriminate against women in the area of citizenship and nationality. It requests the State party to report on the implementation of these measures in its next periodic report.**

219. The Committee expresses concern that, despite the laws and sanctions in place, prostitution continues to thrive, particularly in urban areas. The Committee is particularly concerned about the lack of information on the extent of the exploitation of prostitution and the lack of measures to combat this, including the lack of adequate penalties for those who exploit prostitutes.

220. **The Committee requests the State party to study the phenomenon of prostitution and to take appropriate measures to combat the exploitation of prostitution in urban areas. It recommends that a holistic approach be pursued in order to facilitate the reintegration of prostitutes into Kenyan society and urges the State party to provide rehabilitation and other programmes to women exploited in prostitution. It also recommends prosecution and punishment for those who profit from the sexual exploitation of women and girls.**

221. While noting the State party's commitment to combating the spread of HIV/AIDS and the reduction in infection rates from 14 per cent to 10.2 per cent in 2002, the Committee is concerned at the lack of sex-disaggregated data on HIV/AIDS and the absence of strategic measures for the care of women and girls infected with and affected by HIV/AIDS.

222. **The Committee urges the State party to take comprehensive measures to combat the HIV/AIDS pandemic, to take strong preventive measures and to ensure that women and girls infected with HIV/AIDS are not discriminated against and are given appropriate assistance. The Committee also emphasizes that the collection of reliable data on HIV/AIDS is critical in order to understand the impact of the pandemic on women and men.**

223. Despite the State party's National Policy on Gender and Development to implement existing land and inheritance laws concerning women's rights in rural areas, the Committee is concerned that discriminatory customs and traditional practices remain prevalent in rural areas, thus preventing women from inheriting or acquiring ownership of land.

224. **The Committee urges the State party to pay special attention to the needs of rural women, ensuring that they participate in decision-making and have full access to education, health services and credit and marketing facilities. The Committee also urges the State party to take appropriate measures to eliminate all forms of discrimination with respect to ownership, co-sharing and inheritance of land.**

225. The Committee is concerned that the National Commission on Gender and Development is lacking the means to effectively coordinate among the different mechanisms related to gender; and that the lack of a clear division of responsibilities and insufficient budget allocations may have a negative bearing on the effective implementation of the Convention.

226. **The Committee recommends that the State party clearly define the mandate and responsibilities of the different mechanisms related to the advancement of women and gender equality and allocate sufficient budgetary resources to them.**

227. **The Committee urges the State party to accelerate its efforts to ratify the Optional Protocol to the Convention and to accept the amendment to article 20, paragraph 1, of the Convention.**

228. **Taking account of the gender dimensions of declarations, programmes and platforms for action adopted by relevant United Nations conferences, summits and special sessions (such as the special session of the General Assembly to review and appraise the implementation of the Programme of Action of the International Conference on Population and Development (the twenty-first special session), the special session of the General Assembly on children (the twenty-seventh special session), the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Second World Assembly on Ageing), the Committee requests the State party to include information on the implementation of aspects of these documents relating to relevant articles of the Convention in its next periodic report.**

229. **The Committee requests the State party to respond to the concerns and recommendations expressed in the present concluding comments in its next**

periodic report to be submitted under article 18 of the Convention; and to take into account the Committee's general recommendations in legislation, policies and programmes.

230. **The Committee requests the wide dissemination in Kenya of the present concluding comments in order to make the people of Kenya, in particular government administrators and politicians, aware of the steps that have been taken or are intended to be taken to ensure the de jure and de facto equality of women. It also requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations and the Beijing Declaration and Platform for Action, as well as the results of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".**

4. Combined third and fourth periodic report, fifth and sixth periodic reports

El Salvador

231. The Committee considered the combined third and fourth periodic report and fifth and sixth periodic reports of El Salvador (CEDAW/C/SLV/3-4, CEDAW/C/SLV/5 and CEDAW/C/SLV/6) at its 599th and 600th meetings, on 21 January 2003 (see CEDAW/C/SR.599 and 600).

Introduction of the reports by the State party

232. In introducing the reports, the representative of El Salvador informed the Committee about the major events that had taken place in her country since the submission of the previous report in 1988, most notably the signing of the Peace Agreements and the terrible natural disasters that had devastated the country in 1998 and 2001.

233. The representative stressed the inter-institutional and multidisciplinary nature of the delegation sent to introduce the reports, which demonstrated the importance that her country attached to the Convention.

234. The representative noted that since the ratification of the Convention in 1981, significant efforts had been made with regard to the advancement of women. Particularly noteworthy in that regard was the creation in 1996 of the Salvadoran Institute for the Advancement of Women, the government entity which oversees the implementation of the National Policy on Women by the various public authorities. A National Policy on Women had been formulated through a public consultation process that had been both technical and participatory in nature, and the policy had in turn served as the basis for the initial Plan of Action 1997-1999, which focused on 10 areas: legislation, education, health, civic and political participation, the family, the workplace, domestic violence, agriculture, fisheries and food, the mass media and culture, and the environment. More recently, El Salvador had launched a new Plan of Action 2000-2004, which mainstreamed a gender perspective in all public actions. In 2000, the Institute's Inter-institutional Legal Commission had been set up to bring domestic legislation into line with the international treaties ratified by El Salvador and to propose the necessary reforms to the Governing Board for corresponding legislative action.

235. The representative emphasized the great importance attached by her Government to women's participation in national political life and to women's access to political decision-making. Although there had been an increase in Salvadoran women's participation in national political life, the representative said that there were still barriers to their full participation, the reasons being a political system that was influenced by culture and tradition and by a political party system that had only recently begun to open up to direct participation and leadership by women.

236. The representative highlighted the advances achieved in the area of education, with an overall reduction in the illiteracy rate, especially in rural areas. Even though there was no discrimination in girls' access to the educational system, the female drop-out rate continued to be a matter of concern for the Salvadoran Government. Special attention had been paid to the issue of teenage pregnancy, and pregnant teenagers would no longer be expelled from school. Indicators had been developed to include the school drop-out problem and teenage pregnancy in national research on fertility. Since 1999, El Salvador had been promoting women's access to non-traditional careers through a vocational guidance programme with a gender focus and had been breaking down the barriers that prevented women from entering non-traditional careers.

237. The representative told the Committee that a programme had been launched, involving various strategies, to include the issues of gender equality, human rights, mental health, violence prevention, sex education and reproductive health in the education system. The programme was the result of cooperation between the private sector, churches, the mass media and the educational community. Similarly, youth programmes had been developed which provided information on issues such as sexuality, HIV/AIDS prevention and prevention of domestic violence.

238. With regard to health, the representative informed the Committee that in 1999 a process of health-sector reform and modernization of the Ministry of Health had begun, focusing primarily on reproductive health from a gender perspective. The reform had been structured to extend beyond health centres to include the family, workplace and the educational sector. Since June 2002, preventive health services for women had been provided free of charge. One of the most notable results of those measures had been the decline in maternal mortality.

239. Special attention had been given to the employment situation of women working in the *maquila* sector. Special offices had been set up in free zones or special tax areas to mediate between employers and women workers, as well as units for monitoring and analysing labour relations. The main aim of the National Policy on Women, under its women and the workplace component, was to achieve equal opportunity in women's labour market participation by eliminating all inequalities, such as the gender wage gap and women's unequal access to positions offering greater power and higher salaries. In that regard, it was important to mention the formulation of a National Occupational Safety Policy, which was designed to integrate public and private efforts to promote a culture of workplace accident prevention that would guarantee the right to decent, safe working conditions while boosting productivity. Mention should also be made of El Salvador's National Policy Law and Regulations on Equal Opportunities for Persons with Disabilities, designed to benefit women with disabilities, and its National Policy, Law and Regulations for the Comprehensive Care of Older Persons, designed to combat age-based discrimination, especially against women.

240. The representative drew attention to the entry into force in 1994 of the Family Code, which introduced such innovations as voluntary family property regimes that guaranteed equality, recognition of the value of housework, repeal of the obligation for a woman to take her husband's domicile and incorporation of non-discriminatory grounds for divorce.

241. New laws had also been introduced to prevent and deal with cases of domestic violence and some existing legislation, such as the Labour Code, the Health Code, the Penal Code and the Code of Criminal Procedure, had been amended accordingly. The representative noted that a National Plan on Domestic Violence had been adopted in 2002, with the aim of preventing such violence through information campaigns and providing services to victims.

Concluding comments of the Committee

Introduction

242. The Committee welcomes the El Salvador delegation, headed by the Director-General of Foreign Policy, which through the inclusion of representatives of various institutions and disciplines has provided a broad overview of the progress made and the obstacles that remain to the achievement of gender equality in the country.

243. The Committee expresses appreciation to the State party for the considerable amount of information contained in its combined third and fourth and fifth and sixth periodic reports, which follow the guidelines for the preparation of reports, and for its responses to the list of issues and questions prepared by the pre-session working group, which provide additional information on the situation of women in El Salvador. The Committee is also grateful for the delegation's detailed oral responses, which permitted a constructive dialogue with the Committee.

244. The Committee takes note that the State party's National Policy on Women falls within the framework of the commitments made at the Fourth World Conference on Women, as well as the launching of the respective 1997-1999 and 2000-2004 Plans of Action, which mainstream a gender perspective into all their programmes.

245. The Committee recognizes and regrets that the State party has had to face severe natural disasters, such as Hurricane Mitch in 1998 and two consecutive earthquakes in 2001, which have resulted in the postponement of the implementation of programmes and plans aimed at the advancement of women.

Positive aspects

246. The Committee welcomes the creation in 1996 of the Salvadoran Institute for the Advancement of Women as the government body which coordinates and oversees the implementation of the National Policy on Women.

247. The Committee congratulates the State party on its efforts to implement the Convention through the reform of existing legislation, including the Family Code, from which all pre-existing discriminatory legislation has been removed, the Domestic Violence Act, the Labour Code, the Health Code, the Penal Code, the Code of Criminal Procedure and the General and Higher Education Act. The Committee also commends the State party on the creation in 2002 of the Inter-institutional Legal Commission within the Salvadoran Institute for the Advancement

of Women, ISDEMU, charged with bringing domestic legislation into line with relevant international treaties ratified by El Salvador and with proposing necessary amendments.

248. The Committee welcomes the inclusion of gender issues at all levels of the educational system, as well as the incorporation of teaching materials in such programmes and activities.

Principal areas of concern and recommendations

249. The Committee is concerned that, although legislative reforms have been introduced in many spheres, such laws and policies have yet to be effectively implemented. The Committee is also concerned that the Constitution of El Salvador does not include a specific prohibition against sex-based discrimination or the definition of discrimination contained in the Convention and that El Salvador's legislation provides for equality in the exercise of civil and political rights but makes no mention of economic, social and cultural rights. The Committee is likewise concerned that only "serious" discrimination is punished by the Penal Code and that the Agrarian Code still contains discriminatory concepts.

250. **The Committee encourages the State party to incorporate fully into its legislation the principle of non-discrimination set forth in the Convention, in order to progress towards de jure equality as an essential prerequisite for achieving de facto equality of women. The Committee also recommends that concepts that are not in keeping with the provisions of the Convention be amended or abolished, with a view to protecting and guaranteeing women's human rights.**

251. The Committee is concerned at the weakening of efforts to provide training in, raise awareness of and disseminate the Convention.

252. **The Committee recommends that the State party implement broad-based dissemination, training and awareness-raising programmes to familiarize the whole population with the Convention. Such programmes should be aimed at society in general, and Salvadoran women and the judiciary in particular.**

253. Although the Committee welcomes the establishment of the Salvadoran Institute for the Advancement of Women as the government entity which oversees the implementation of the National Policy on Women, it is concerned at the fact that the Institute has neither the lead and normative role that it should have, nor the political, institutional and budgetary capacity to define, implement, monitor and guarantee a comprehensive policy for the elimination of discrimination against women to be executed effectively by the various sectors of government. The Committee further expresses its concern that there are insufficient active linkages between the Institute and women's organizations representing civil society.

254. **The Committee encourages the State party to continue to strengthen the role of the Salvadoran Institute for the Advancement of Women as a lead and normative body by giving it an adequate budget and the requisite authority among State institutions to ensure the effective mainstreaming of a gender perspective and the promotion of gender equality. The Committee also recommends that the Institute establish, in practice, greater cooperation and joint work with women's organizations of civil society.**

255. The Committee notes with concern that, while the Constitution refers to the principle of equality, the terms "equality" and "equity" are used as synonyms in plans and programmes.

256. **The Committee urges the State party to note that the terms "equity" and "equality" are neither synonymous nor interchangeable and that the Convention is intended to eliminate discrimination against women and to ensure equality between women and men.**

257. While the Committee welcomes the effort made by the State party to combat domestic violence through the recent establishment of a National Plan on Domestic Violence, it views with concern the persistence of violence against women in El Salvador. The Committee is also concerned about the legal consequences of conciliation between aggressor and victim in the pre-trial phase, which could work to the detriment of the latter.

258. **The Committee urges the State party, taking into account General Recommendation 19 on violence against women, to undertake practical measures to follow up and monitor the application of legislation, evaluating its effectiveness and making the appropriate adjustments, in particular so as to ensure that the legal consequences of conciliation provided for by law do not work to the detriment of the victim.**

259. The Committee observes with concern the lack of necessary sex education programmes and their dissemination and the resulting impact on the high rate of teenage pregnancy, in particular in rural areas, and on the increase in the spread of sexually transmitted diseases and HIV/AIDS. The Committee is concerned at the obstacles that women face in gaining access to adequate health-care services, including those for the prevention of cancer.

260. **The Committee recommends to the State party that it adopt measures to guarantee and expand access to health-care services, paying special attention to the implementation of programmes and policies for disseminating and raising awareness of sex education, particularly among adolescents, including information on contraceptives and their availability in society as a whole, taking into account that family planning is the responsibility of the couple and placing special emphasis on preventing and combating sexually transmitted diseases and HIV/AIDS.**

261. The Committee is concerned at the high level of poverty among women, especially rural and indigenous women.

262. **The Committee urges the State party to develop a poverty eradication strategy that gives priority attention to rural and indigenous women through the allocation of budgetary resources, and to take appropriate measures to inform itself about their situation with a view to formulating effective specific programmes and policies to improve their socio-economic situation and ensure that they receive the services and support they need.**

263. Although the overall illiteracy rate has declined, the Committee is concerned that the problem persists, especially in rural areas. It is also concerned at the high drop-out rates among girls, especially in rural and indigenous areas.

264. **The Committee recommends that efforts to address this problem should be intensified, through sustainable plans and programmes, particularly in rural and indigenous areas.**

265. The Committee is concerned at the persistence of traditional stereotypes relating to the roles and responsibilities of men and women in the family and in society at large.

266. **The Committee recommends that policies be developed and programmes directed at men and women be implemented that will help to ensure the elimination of stereotypes associated with traditional roles in the family, the workplace, politics and society.**

267. The Committee is concerned at the lack of priority given to women in employment policy, which could result in their increased vulnerability in the economic adjustment process taking place in the country, in particular, the insufficient measures taken to enable them to reconcile their family and professional responsibilities and the persistence of wage disparities for work of equal value.

268. **The Committee recommends that the necessary measures should be taken to ensure compliance with the provisions of article 11 of the Convention and of the relevant International Labour Organization conventions ratified by El Salvador.**

269. The Committee notes with particular concern the precarious employment conditions of women working in maquila industries, where their human rights are frequently violated, especially insofar as safety and health are concerned.

270. **The Committee urges the State party strictly to enforce labour legislation in maquila industries, including their supervision and monitoring, especially occupational safety and health measures, and requests that information on this matter be included in its next report.**

271. Although there is legislation on trafficking and mention is made of a bill on the exploitation of children, the Committee notes with concern the problem of exploitation of prostitutes and trafficking and sale of women and girls and the lack of studies, analyses and gender-disaggregated statistics on its incidence.

272. **The Committee urges the State party to take measures to combat the phenomenon of trafficking and sale of women and girls and exploitation of prostitutes and to evaluate this phenomenon and compile systematic sex-disaggregated data on it with a view to formulating a broad strategy to address this problem and punish perpetrators.**

273. The Committee is concerned at women's low level of participation in politics and in high-level posts in all areas.

274. **The Committee recommends the adoption of strategies to achieve an increase in the number of women who participate in decision-making at all levels, including the application of temporary special measures in accordance with article 4 of the Convention, and the strengthening of activities to promote women to leadership posts in both the public and private sectors through special training programmes and awareness-raising campaigns on the importance of women's participation in the political life of the country.**

275. The Committee observes a lack of gender-disaggregated data in the reports, as well as insufficient information on indigenous women.

276. **The Committee recommends the comprehensive and exhaustive compilation of sex-disaggregated data and urges the State party to include relevant statistics that show the evolution and impact of programmes on the country's female population, particularly indigenous women, and to include the data in its next periodic report.**

277. **The Committee urges the State party to ratify the Optional Protocol to the Convention and to accept, as soon as possible, the amendment to article 20, paragraph 1 of the Convention, concerning the meeting time of the Committee.**

278. **The Committee requests the State party to respond to the specific issues raised in these concluding comments in its next periodic report pursuant to article 18 of the Convention.**

279. **Taking account of the gender dimensions of declarations, programmes and platforms for action adopted by relevant United Nations conferences, summits and special sessions (such as the special session of the General Assembly to review and appraise the implementation of the Programme of Action of the International Conference on Population and Development (twenty-first special session), the special session of the General Assembly on children (twenty-seventh special session), the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Second World Assembly on Ageing), the Committee requests the State party to provide information on the implementation of those aspects of the above documents relating to relevant articles of the Convention in its next periodic report.**

280. **The Committee requests that these concluding comments be disseminated widely in the State party in order to make the people of El Salvador, particularly public officials and politicians, aware of the measures taken to guarantee de jure and de facto equality of women and such other measures as are necessary to that end. It also requests the State party to continue to disseminate widely, particularly among women's and human rights organizations, the Convention and its Optional Protocol, the general recommendations of the Committee, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly entitled "Women 2000: gender equality, development and peace for the twenty-first century".**

5. Fourth periodic report

Luxembourg

281. The Committee considered the fourth periodic report of Luxembourg (CEDAW/C/LUX/4) at its 601st and 602nd meetings, on 22 January 2003 (see CEDAW/C/SR.601 and 602).

Introduction by the State party

282. In introducing the fourth periodic report, the representative of Luxembourg informed the Committee about the State party's follow-up to the Committee's recommendations after the presentation of the third periodic report in June 2000.

The recommendations had been provided to Ministers, Members of Parliament and non-governmental organizations focusing on women's issues and many positive actions had been taken. Recommendations of the Committee had also been included in the Beijing+5 national plan of action, which had been prepared by the Inter-ministerial Committee on the Equality between Women and Men. It was within that particular framework that the State party reaffirmed its commitment to integrate a gender perspective in all policies and programmes.

283. The representative stated that a bill to approve the ratification of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women had been submitted to the lower chamber of Parliament in 2001 and ratification of the Optional Protocol was expected shortly. Two reservations to the Convention were being considered for withdrawal, namely the reservation to article 7 on succession to the Crown and to article 16, relating to the transmission of the family name to children. She indicated, in that regard, that article 11.2 of the Constitution on the principle of equality between women and men was still being reviewed, since agreement had not been reached on all the provisions of that article, but was optimistic that the text would be adopted in 2004.

284. The representative informed the Committee of the adoption of a law against sexual harassment on 26 May 2000. She acknowledged that despite the law, sexual harassment persisted, especially in the workplace, and that practical measures had been initiated to curb that practice. For example, an information booklet on the law on sexual harassment was being provided to employers and awareness-raising campaigns on the matter had been undertaken. Moreover, a bill on domestic violence had been adopted on 17 May 2001, by which women would no longer be forced to leave the family home and the perpetrators of violence would no longer be able to stay. The representative indicated that emphasis had been placed on public awareness-raising campaigns on domestic violence and a number of shelters for victims had been opened. Measures had also been taken to sensitize law enforcement officers. The bill on domestic violence specifically required that a module on domestic violence be integrated into the initial training of police personnel at the Police Academy. After entry into force of the bill, the police would also be required to collect statistics on domestic violence.

285. With regard to migration, the representative noted that the number of asylum-seekers had been considerable and amounted to some 1,000 per year. To deal with that issue, Luxembourg provided a legal framework for asylum requests. Once a request had been made it was reviewed by the Ministry of Justice. The duration of the asylum procedure varied from six months to three years. The asylum-seekers received social benefits, including housing, shelter, meals, pocket money, health care, free transportation and language training. Pregnant women, in particular, were given housing in the best possible areas near health-care facilities.

286. The representative said that trafficking in human beings and sexual exploitation were akin to slavery, referring to globalization as a root cause for its increase. She suggested that investing in the economic development of poor countries to ensure political and economic stability could reduce such trafficking. Luxembourg had invested 0.7 per cent of its gross domestic product in overseas development assistance and many of its development projects aimed at giving women a certain amount of economic security that would make them less vulnerable to traffickers.

287. The representative reported that the number of women in the workplace was increasing. Measures to integrate young women and to bring women back to the workplace had been made part of the National Plan for Employment. Low-income parents paid less for childcare and a number of municipalities had expanded their own day-care centres outside school hours. Sixty out of 118 municipalities currently had the required infrastructures to deal with children at the pre-school and elementary school levels. Professional guidance and training courses were being organized to help women re-enter the workplace.

288. The representative informed the Committee that, in order to reduce the wage gap between women and men, a project entitled "Equal pay, a democratic and legal challenge" had been put in place in January 2002. Social partners, employers and trade unions had adopted action plans to fight the wage gap. A study carried out on wage inequality, however, showed that a 28 per cent salary gap still existed between women and men.

289. In concluding, the representative reaffirmed her country's commitment to integrate a gender perspective in all policies and programmes and to continue to promote positive actions and temporary special measures to establish de facto equality between women and men in all areas where discrimination persisted. She also affirmed the State party's commitment to the elimination of all forms of discrimination against women.

Concluding comments of the Committee

Introduction

290. The Committee expresses appreciation to the State party for its fourth periodic report, which complies with the Committee's guidelines for the preparation of periodic reports. It commends the State party for its interaction with non-governmental organizations in the preparation of the report. The Committee also expresses its appreciation for the information given in response to the issues raised by the pre-session working group and during the oral presentation.

291. The Committee commends the State party for its high-level delegation headed by the Minister for the Advancement of Women and is pleased that a representative of a non-governmental organization was included in the delegation. The Committee appreciates the frank and constructive dialogue that took place between the delegation and the members of the Committee.

292. The Committee welcomes the fact that the State party has initiated the process to ratify the Optional Protocol to the Convention and to accept the amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee.

293. The Committee notes that governmental action is placed within the context of the implementation of the Beijing Platform for Action.

Positive aspects

294. The Committee commends the State party for its wide dissemination of the Convention and the concluding comments of the Committee issued following the consideration of the third periodic report.

295. The Committee commends the State party for adopting new laws in support of the goal of gender equality: the law on pensions, which plays a key role in preventing poverty among older people, particularly women; the law with respect to the burden of proof in cases of discrimination on the basis of sex; the law concerning protection for workers who are pregnant, have recently given birth or are breastfeeding; and the law on protection from sexual harassment in the workforce.

296. The Committee welcomes the increase in women's participation in the workforce.

297. The Committee welcomes the support for enterprises that have adopted special measures to increase women's participation in the workforce, including the obligation to negotiate equality plans and create equality delegates in private enterprises.

298. The Committee welcomes the fact that the number of men taking parental leave has increased, indicating a heightened awareness of shared parental responsibility.

299. The Committee commends the State party for the integration of gender perspectives in its development cooperation projects.

Principal areas of concern and recommendations

300. While welcoming the positive developments with regard to the ongoing process of amending the Constitution in order to integrate the principle of equality between women and men and to allow for the withdrawal of the reservation to the Convention with regard to article 7 as well as the draft law related to the withdrawal of the reservation to article 16 of the Convention, the Committee remains concerned that these processes have not yet been concluded.

301. **The Committee calls upon the State party to accelerate the process of revising the Constitution to integrate the principle of equality between women and men and to withdraw the reservation to article 7 of the Convention, and to adopt the draft law which will allow for the withdrawal of the reservation to article 16 of the Convention.**

302. The Committee expresses concern that there is no definition of discrimination on the basis of sex as stipulated in article 1 of the Convention within the legal framework of the State party despite the State party's commitment to promote equality between women and men.

303. **The Committee calls upon the State party to make the necessary legislative changes to integrate the concept of discrimination on the basis of sex within its legal framework with a view to eliminating such discrimination.**

304. While noting that the State party's gender policy appears to be formulated primarily in the framework of the Beijing Platform for Action and the European Union provisions, the Committee is concerned that the Convention has not been given central importance as a legally binding human rights instrument and basis for the elimination of all forms of discrimination against women and the advancement of women.

305. **The Committee urges the State party to place emphasis on the Convention as a legally binding human rights instrument and to view the Platform for Action as a programmatic policy framework in its efforts to achieve the goals of**

equality. It also urges the State party to take proactive measures to raise awareness about the Convention, in particular among parliamentarians, the judiciary and the legal profession.

306. With regard to combating domestic violence, the Committee welcomes the bill that has been presented to the Chamber of Deputies, but is concerned that adoption of the bill has been delayed.

307. **The Committee encourages the State party to take all necessary measures to adopt the law on domestic violence in conformity with the Committee's General Recommendation 19 to prevent violence, punish and rehabilitate offenders and provide services for victims.**

308. While noting the efforts undertaken to eliminate stereotypical attitudes towards the roles of women and men in the family and all sectors of society, the Committee is concerned about the persistence of stereotypical attitudes towards women, which threaten to impede women's enjoyment of their rights.

309. **The Committee calls upon the State party to take additional measures to eliminate stereotypical attitudes about the roles and responsibilities of women and men, including through awareness-raising and educational campaigns directed at both women and men and at the media. It also calls upon the State party to assess the impact of such measures in order to identify shortcomings and to adjust and improve such measures accordingly.**

310. The Committee notes that little progress has been made to increase women's role in decision-making in all sectors.

311. **The Committee calls upon the State party to develop further measures to increase women's role in decision-making in all sectors, including through awareness-raising campaigns targeted at women and men and the use of special measures in accordance with article 4, paragraph 1, of the Convention, with the goal to accelerate de facto equality between women and men. It also recommends that such measures be monitored and evaluated.**

312. The Committee notes with concern that the State party has not developed comprehensive policies to combat trafficking in women and girls.

313. **The Committee recommends that the State party develop comprehensive policies and programmes to combat trafficking in women and girls, including measures to prevent trafficking in women and girls, the collection of data, the provision of services for trafficked women and girls and measures to penalize those who are involved in such trafficking.**

314. The Committee is concerned about ongoing discrepancies in salaries and wages between women and men for work of equal value.

315. **The Committee urges the State party to develop policies and adopt proactive measures to accelerate the eradication of pay discrimination against women, including through job evaluations, collection of data, further study of the underlying causes of the wage gap and provision of increased assistance for social partners in collective bargaining, in particular in determining wage structures in sectors dominated by women. It requests the State party to provide more information in the next periodic report on its efforts to eradicate the wage gap.**

316. The Committee, while recognizing the adoption of a wide range of gender equality policies, particularly in relation to employment issues, is concerned that a certain number of those policies have yet to be implemented or evaluated.

317. **The Committee urges the State party to implement all policies that have been formulated and to make an assessment of the measures already implemented with a view to future improvements.**

318. The Committee reiterates its concern expressed after considering the third periodic report with regard to the law on the waiting period of 300 days before a widow or divorced woman can remarry.

319. **The Committee urges the State party to take measures to amend that discriminatory legislation without delay.**

320. The Committee is concerned about the lack of information in the fourth periodic report with regard to a number of issues as well as the lack of statistical data disaggregated by sex in certain areas.

321. **The Committee requests that the State party provide more information in the next periodic report in the following areas: measures taken to promote women's health, particularly with regard to the prevention of HIV/AIDS; measures taken in support of older women and of disabled women; and statistical data, particularly with regard to violence against women, including domestic violence and trafficking in women.**

322. **The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report submitted under article 18 of the Convention.**

323. **Taking into account the gender dimension of declarations, programmes and platforms for action adopted by relevant United Nations conferences, summits and special sessions (such as the special session of the General Assembly to review and appraise the implementation of the Programme of Action of the International Conference on Population and Development (the twenty-first special session), the special session of the General Assembly on children (the twenty-seventh special session), the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and the Second World Assembly on Ageing), the Committee requests the State party to include information on the implementation of aspects of those documents relating to relevant articles of the Convention in its next periodic report.**

324. **The Committee requests the wide dissemination in Luxembourg of the present concluding comments in order to make the people of Luxembourg, in particular administrators and politicians, aware of the steps that have been taken to ensure the de jure and de facto equality of women and of the further steps that are required in that regard. It requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention and its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the results of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".**

6. Fifth periodic report

Canada

325. The Committee considered the fifth periodic report of Canada (CEDAW/C/CAN/5 and Add.1) at its 603rd and 604th meetings, on 23 January 2003 (see CEDAW/C/SR.603 and 604).

Introduction by the State party

326. In introducing her country's fifth periodic report, the representative of Canada highlighted the importance Canada placed on eliminating gender discrimination and reported that the overall economic situation of women in Canada had continued to improve steadily, with women's relative earnings increasing from 52 per cent of men's in 1986 to 63 per cent in 1997. Women had made tremendous strides in education, making inroads into traditionally male-dominated professions and the large majority of women of all ages considered themselves to be in good health.

327. The representative of Canada said that women over the past century had become increasingly involved in the full range of social and economic aspects of life, most notably becoming a major and integral part of the paid labour force. The majority of women continued to be employed in predominantly female occupations, but the number was slowly declining. Their overall economic situation continued to improve steadily and their total earnings as a percentage of men's had increased. There was still a distinct division of labour between the sexes, in particular women with young children were spending more of their time on unpaid work.

328. The representative of Canada indicated that factors such as age, race, ethnicity, immigrant status and aboriginal heritage had significant effects on women's economic status. Aboriginal women were concentrated disproportionately in lower-skill and lower-paying occupations, and had lower rates of employment in the wage economy than aboriginal men or non-aboriginal women. Poverty among some groups of women in Canada was far too high but poverty, in general, had been declining since 1997.

329. The representative explained that the Federal Plan for Gender Equality, with its key long-term goal of undertaking gender-based analysis of policies and programmes across Government, came into effect in 1995 at a time when the Budget Act focused on expenditure reductions to ensure fiscal responsibility. However, the economic situation had improved since then and the Government had endorsed a dual approach to gender equality that combined both the integration of a gender perspective in government processes and the development of policies and programmes that were gender-specific, thus also providing a more systematic approach to address gender discrimination. In 2000 the Government adopted a new Agenda for Gender Equality. The Agenda was a multi-year strategy, with new funding spread over a five-year period. It was designed to engender current and new policy and programme initiatives, accelerate the implementation of gender-based analysis, enhance voluntary sector capacity, engage Canadians in the policy process and meet Canada's international commitments.

330. The representative provided a few examples to demonstrate that progress had been made in the past few years in process and results. The new Immigration and Refugee Protection Act promoted the mainstreaming of gender analysis through its

requirements that gender impacts be reported annually in the federal immigration department's report to Parliament. As a part of the legislative process for the Immigration and Refugee Protection Act, a gender-based analysis of the potential impacts of the Act and its regulations had been prepared. Several sections of the Act highlighted where gender considerations had been taken into consideration. Thus, for example, the Act included the offences for human smuggling and trafficking in persons, carrying a maximum penalty of life imprisonment, a fine of up to Can$ 1 million, or both. The legislation recognized the context of trafficked women's lives by allowing a court to take into account aggravating factors such as humiliating or degrading treatment, including sexual exploitation, when determining an appropriate penalty for the crime.

331. With regard to the situation of indigenous women, the representative explained that in 1998, in response to the Royal Commission on Aboriginal Peoples, the Government had adopted an action plan called "Gathering Strength", a strategy to improve the quality of life of aboriginal people and to promote self-sufficiency with funding of Can$ 965 million over five years. The Government had also introduced legislation to modernize the governance components of the historic Indian Act, adding to the First Nations' governance tools, which aimed at improving women's quality of life in their communities by offering them increased participation in the governance of the communities, broadening their protection from discrimination and providing additional remedies.

332. Turning to unpaid work, the representative stated that in December 2002, parental benefits under the Employment Insurance scheme were increased from 10 weeks to 35 weeks and that a disincentive that affected fathers was removed, doubling the combined maternity/parental benefit period to one full year. The number of Canadians accessing parental benefits increased by 24.3 per cent in 2001. The Government had also introduced and enhanced in the recent past a Child Tax benefit and National Child Benefit System, which included a supplement for lower-income families. Those benefits were particularly important in fostering parental employment in low-income families, where earnings alone would not be sufficient to meet family needs. The new child benefits thus directly addressed some key factors contributing to poverty among women — their lower average wages and predominance as primary care providers for children.

333. Regarding women's health, the representative noted recent investments in the areas of disabilities and health research. The Institute for Gender and Health, established in 2000, offered an unprecedented opportunity to investigate the influence of gender and sex on health. The 1997 Guidelines on the Inclusion of Women in Clinical Trials were an important step forward in the light of women's greater reporting of chronic health conditions and greater use of medication than men. The Guidelines aimed to ensure that drug manufacturers seeking market approval for their products based their application on research representing the full range of patients likely to receive the drug and that women were enrolled in clinical trials at all stages of drug development. Such procedures helped to define the risks and benefits associated with drug therapy to women, including women with childbearing potential and post-menopausal women.

334. The representative stated that another major government priority was to eliminate systematic violence against women. In 2002, federal, provincial and territorial ministers released a document entitled "Assessing Violence Against

Women: A Statistical Profile", which provided reasons to believe that Canada's efforts to address violence against women might have had some positive effects. In 1993, some 12 per cent of women had indicated they had been assaulted by a marital or common-law partner in the preceding five years, whereas in 1999 the figure dropped to 8 per cent. The Government had initiated a number of criminal law reforms aimed at providing protection for victims of sexual assault and other violent offences. In addition, the Criminal Code and related legislation had been amended to facilitate the testimony of young victims of sexual or violent crime and to expand the role of victim impact statements.

335. Lastly, the representative of Canada said that Domestic Violence Courts had been created in many jurisdictions, with the aim of improving the justice system's response to domestic violence. They provided a range of specialized services, such as advocacy and support for women and children, expedited court processing, better victim cooperation and support, greater conviction rates and appropriate sentencing, including treatment for abusers.

Concluding comments of the Committee

Introduction

336. The Committee commends the State party for preparing and presenting its fifth periodic report, which contains input from the federal, provincial and territorial governments.[1] It also commends the State party for the written replies to the questions of the Committee's pre-session working group. However, it regrets that not all questions listed by the pre-session working group were answered by the State party.

337. The Committee congratulates the State party for the large delegation representing various governments headed by the Coordinator of Status of Women Canada. The Committee appreciates the open dialogue that took place between the delegation and the members of the Committee.

338. The Committee notes that the State party introduced gender-based impact analysis programmes and published Economic Gender Equality Indicators as a follow-up to the Fourth World Conference on Women.

Positive aspects

339. The Committee welcomes the accession, in October 2002, to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and the acceptance of the amendment to article 20, paragraph 1, in November 1997.

340. The Committee commends the State party's policy, at the international level, in setting women's human rights standards, providing financial and other assistance to women's rights projects in developing countries as well as mainstreaming gender in its development assistance programmes and projects.

341. The Committee commends the State party for ongoing efforts towards improving the legal and de facto situation of women in Canada; in particular, it notes that the Canadian Human Rights Act as well as provincial and territorial human rights legislation have been amended or reinterpreted through court rulings and that additional laws have been formulated, all of which are directed towards the

prohibition of all kinds of discrimination, including, inter alia, the practice of female genital mutilation.

342. The Committee notes with appreciation the recruitment and promotion measures taken to increase women's participation in the Foreign Service.

343. The Committee expresses satisfaction to the State party with the efforts undertaken in some provincial jurisdictions in order to increase the number of female students in the technical and scientific disciplines at the universities.

344. The Committee, through the State party, commends the province of Quebec for having made available full-time kindergarten to all children in the province since 1997 and for making early childhood services available at a nominal cost in general and free of charge for parents on social assistance.

345. The Committee welcomes the creation of domestic family violence courts in some jurisdictions as a way to improve the justice system's response to domestic violence.

346. The Committee commends the State party for the creation, in 2000, of the Institute of Gender and Health to contribute to the reduction of health disparities and the promotion of equity for vulnerable populations of women, including women with disabilities. The Committee notes with appreciation the adoption of the Guidelines on the Inclusion of Women in Clinical Trials to ensure that women are enrolled in such trials at all stages of drug development.

Principal areas of concern and recommendations

347. The Committee regrets that the report, covering the period 1994-1998, was submitted in 2002 and that it does not fully comply with the Committee's guidelines on the format of periodic reports. The report does not provide integrated information from federal to provincial and territorial levels, article by article, as recommended by the Committee in its previous concluding comments. Moreover, the report lacks integrated sex-disaggregated data from the federal, provincial and territorial levels, in particular detailed information on the scope of the programmes and the impact of the measures undertaken by the State party to eliminate discrimination against women.

348. **The Committee recommends that, in preparing its next report, the State party take into account the Committee's new guidelines and its general recommendations. It recommends that the State party's next report contain more specific and analytical information on the situation of women by the federal, provincial and territorial governments and that it cover all jurisdictions in a consistent and integrated way. That information should be supported by nationwide sex-disaggregated data and should point to and describe the results intended and achieved by legal provisions, policies and programmes adopted by the federal, provincial and territorial governments directed towards the elimination of discrimination against women.**

349. The Committee acknowledges the State party's complex federal, provincial and territorial political and legal structures. However, it underlines the federal Government's principal responsibility in implementing the Convention. The Committee is concerned that the federal Government does not seem to have the power to ensure that governments establish legal and other measures in order to fully implement the Convention in a coherent and consistent manner.

350. **The Committee recommends that the State party search for innovative ways to strengthen the currently existing consultative federal-provincial-territorial Continuing Committees of Officials for human rights as well as other mechanisms of partnership in order to ensure that coherent and consistent measures in line with the Convention are achieved. The Committee also recommends that the existing mechanisms be used to introduce best practices in order to achieve substantive equality of women with men in the enjoyment of their human rights under all governments.**

351. The Committee is concerned that, within the framework of the 1995 Budget Implementation Act, the transfer of federal funds to the provincial and territorial levels is no longer tied to certain conditions which previously ensured nationwide consistent standards in the areas of health and social welfare. It is also concerned about the negative impact that the new policy has had on the situation of women in a number of jurisdictions.

352. **The Committee recommends that the federal Government reconsider those changes in the fiscal arrangements between the federal Government and the provinces and territories so that national standards of a sufficient level are re-established and women will no longer be negatively affected in a disproportionate way in different parts of the State party's territory.**

353. While noting recent efforts at gender-based impact analysis of legislation, programmes and other measures at the federal and some provincial levels, the Committee is concerned that such efforts are not mandatory for all levels and bodies of the various jurisdictions.

354. **The Committee recommends that the State party consider making gender-based impact analysis mandatory for all legal and programme efforts at the federal level and, through its respective Consultative Continuing Committees of Officials, at the provincial and territorial levels.**

355. While appreciating the fact that funds are available under the Court Challenges Programme for test cases under the equality guarantee in the Canadian Charter of Rights and Freedoms, the Committee is concerned that the Programme applies only to federal laws and programmes. The Committee is also concerned that federal legal aid funds in civil and family law and for legal matters related to poverty issues, in contrast to legal aid for criminal cases, are channelled to the provinces and territories at their discretion. That, in practice, turns out to have a disproportionately restrictive impact on women seeking legal redress as compared with men.

356. **The Committee urges the State party to find ways for making funds available for equality test cases under all jurisdictions and for ensuring that sufficient legal aid is available to women under all jurisdictions when seeking redress in issues of civil and family law and in those relating to poverty issues.**

357. While appreciating the federal Government's various anti-poverty measures, the Committee is concerned about the high percentage of women living in poverty, in particular elderly women living alone, female lone parents, aboriginal women, older women, women of colour, immigrant women and women with disabilities, for whom poverty persists or even deepens, aggravated by the budgetary adjustments made since 1995 and the resulting cuts in social services. The Committee is also concerned that those strategies are mostly directed towards children and not towards these groups of women.

358. **The Committee urges the State party to assess the gender impact of anti-poverty measures and increase its efforts to combat poverty among women in general and the vulnerable groups of women in particular.**

359. The Committee is concerned about a number of recent changes in British Columbia which have a disproportionately negative impact on women, in particular aboriginal women. Among these changes are: a cut in funds for legal aid and welfare assistance, including changes in eligibility rules; a cut in welfare assistance; the incorporation of the Ministry of Women's Equality under the Ministry of Community, Aboriginal and Women's Services; the abolition of the independent Human Rights Commission; the closing of a number of courthouses; and the proposed changes regarding the prosecution of domestic violence as well as a cut in support programmes for victims of domestic violence.

360. **The Committee, through the State party, urges the government of British Columbia to analyse its recent legal and other measures as to their negative impact on women and to amend the measures, where necessary.**

361. While appreciating the federal Government's efforts to combat discrimination against aboriginal women, including the pending amendment to the Canadian Human Rights Act, and to achieve substantive equality for them, the Committee is seriously concerned about the persistent systematic discrimination faced by aboriginal women in all aspects of their lives. The Committee is concerned that aboriginal women, among other highly vulnerable groups of women in Canada, are over-concentrated in lower-skill and lower-paying occupations, they constitute a high percentage of those women who have not completed secondary education, they constitute a high percentage of women serving prison sentences and they suffer high rates of domestic violence. The Committee is further concerned that the First Nations Governance Act currently under discussion does not address remaining discriminatory legal provisions under other Acts, including matrimonial property rights, status and band membership questions which are incompatible with the Convention.

362. **The Committee urges the State party to accelerate its efforts to eliminate de jure and de facto discrimination against aboriginal women both in society at large and in their communities, particularly with respect to the remaining discriminatory legal provisions and the equal enjoyment of their human rights to education, employment and physical and psychological well-being. It urges the State party to take effective and proactive measures, including awareness-raising programmes, to sensitize aboriginal communities about women's human rights and to combat patriarchal attitudes, practices and stereotyping of roles. It also recommends to the State party to ensure that aboriginal women receive sufficient funding in order to be able to participate in the necessary governance and legislative processes that address issues which impede their legal and substantive equality. It also requests the State party to provide comprehensive information on the situation of aboriginal women in its next report.**

363. While appreciating the inclusion of trafficking in persons as constituting a criminal offence under the new Immigration and Refugee Protection Act, as well as other aspects protecting refugee and immigrant women, the Committee notes that other provisions and practices may still contribute to devaluing women's educational skills and previous economic contributions to their families' well-being.

364. **The Committee requests the State party to implement fully the gender-based impact analysis and the reporting requirements provided in the new Act with a view to eliminating remaining provisions and practices which still discriminate against immigrants.**

365. While noting the improvement regarding the de facto situation of live-in caregivers through formal employment contracts, the Committee is concerned that the caregivers are allowed into the country only as temporary residents, they do not receive adequate social security and having to live in the homes of their employers may subject them to exploitation and abuse.

366. **The Committee urges the State party to take further measures to improve the current live-in caregiver programme by reconsidering the live-in requirement, ensuring adequate social security protection and accelerating the process by which such domestic workers may receive permanent residency.**

367. The Committee recognizes the efforts made by the State party in addressing the issue of trafficking in women and girls, but notes with concern that the report does not provide sufficient information on the programmes to assist victims of trafficking.

368. **The Committee encourages the State party to assist victims of trafficking through counselling and reintegration and to include detailed information on its victim assistance programmes in its next periodic report.**

369. Despite the commendable measures taken by the State party to combat violence against women and girls, including criminal law reforms, the Committee notes with concern that violence against women and girls persists. The Committee is particularly concerned about the inadequate funding for women's crisis services and shelters.

370. **The Committee urges the State party to step up its efforts to combat violence against women and girls and increase its funding for women's crisis centres and shelters in order to address the needs of women victims of violence under all governments.**

371. While appreciating the progress made as regards increased women's political representation and the new legal provisions that benefit female candidates for political office in particular, the Committee is concerned that women are still underrepresented in all areas of political and public life.

372. **The Committee urges the State party to take additional measures to increase the representation of women in political and public life. It recommends the introduction of temporary special measures with numerical goals and timetables to increase the representation of women in decision-making positions at all levels.**

373. The Committee notes with concern the lack of women's de facto equality in the labour market, including the fact that, owing to their unpaid tasks in the family, a large percentage of them work in part-time jobs, marginal jobs and self-employment arrangements, which often do not carry adequate social benefits.

374. **The Committee recommends that the State party monitor closely the situation of women's non-standard jobs and to introduce employment-related measures which will bring more women into standard employment arrangements with adequate social benefits.**

375. While commending the State party's efforts directed towards the implementation of the principle of equal pay for work of equal value, the Committee notes with concern that the auditing process is too slow and that that principle is not implemented in practice by all provincial and territorial governments.

376. **The Committee urges the State party to accelerate its implementation efforts as regards equal pay for work of equal value at the federal level and utilize the respective federal-provincial-territorial Continuing Committees of Officials to ensure that that principle is implemented under all governments.**

377. While commending the State party's efforts towards bringing aboriginal women into improved income-generating positions, the Committee is concerned that the focus on entrepreneurships may not lead to aboriginal women's economic independence.

378. **The Committee recommends that the State party ensure that income-generating activities for aboriginal women provide for a sustained and adequate income, including all necessary social benefits.**

379. The Committee is concerned that, while the report cites laudable efforts at expanding and improving childcare under all governments, there is no information, except for Quebec, indicating whether the available childcare places meet the demand and are affordable.

380. **The Committee recommends that the State party further expand affordable childcare facilities under all governments and that it report, with nationwide figures, on demand, availability and affordability of childcare in its next report.**

381. While noting improvements in the Employment Insurance Act, the Committee is concerned that the number of women eligible for unemployment benefits is lower as compared with men. While appreciating the increase in the number of months of parental leave, the Committee is concerned that the low benefit level of the parental leave may not encourage greater numbers of fathers to avail themselves of that leave.

382. **The Committee recommends to the State party to reconsider the eligibility rules of that Act based on a gender-based impact analysis in order to compensate for women's current inequalities in accessing those benefits owing to their non-standard employment patterns. It also encourages the State party to consider raising the benefit level for parental leave.**

383. The Committee, although recognizing the efforts undertaken by the State party concerning the provision of social housing, is concerned that such efforts might be inadequate to address the needs of women with low incomes and those of female single parents.

384. **The Committee recommends that the State party reconsider and, if necessary, redesign its efforts towards socially assisted housing after a gender-based impact analysis for vulnerable groups of women.**

385. While recognizing the State party's close collaboration with non-governmental organizations in the work towards women's empowerment, the Committee notes with concern that non-governmental organizations were not invited to contribute to the preparation of the report.

386. **The Committee recommends that women's non-governmental organizations representing different groups of women under all governments,**

and other relevant non-governmental organizations, be involved in a national discussion and the dissemination of the next report.

387. **The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention.**

388. **Taking into account the gender dimensions of declarations, programmes and platforms for action adopted by relevant United Nations conferences, summits and special sessions (such as the special session of the General Assembly to review and appraise the implementation of the Programme of Action of the International Conference on Population and Development (the twenty-first special session), the special session of the General Assembly on children (the twenty-seventh special session), the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and the Second World Assembly on Ageing), the Committee requests the State party to include information on the implementation of aspects of those documents relating to relevant articles of the Convention in its next periodic report.**

389. **The Committee requests the wide dissemination in Canada of the present concluding comments in order to make the people of Canada, and particularly government administrators and politicians, aware of the steps that have been taken to ensure de jure and de facto equality for women and the future steps required in that regard. It also requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention and its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the results of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace in the twenty-first century".**

7. Fifth and sixth periodic reports

Norway

390. The Committee considered the fifth and sixth periodic reports of Norway (CEDAW/C/NOR/5 and CEDAW/C/NOR/6) at its 597th and 598th meetings, on 20 January 2003 (see CEDAW/C/SR.597 and 598).

Introduction by the State party

391. In introducing the fifth and sixth periodic reports, the representative of Norway stressed that her Government highly valued the monitoring by treaty bodies of States parties' human rights obligations and the constructive dialogue that ensued for the promotion and protection of human rights.

392. Many measures had been taken to promote women's rights and gender equality in Norway, and more than 90 per cent of the population viewed gender equality as a core value of society. The Government had placed these issues high on its agenda and had sought new measures tailored to the needs of modern society. Although all goals had not yet been attained, considerable achievements had been made. By the end of 2003, the Ministry of Children and Family Affairs would submit a concrete proposal on how to strengthen implementation of the Convention on the Elimination of All Forms of Discrimination against Women.

393. The representative said that in Norway there was a close link between family policy and gender equality policy, with the objective of giving both women and men equal opportunities to combine work and parenthood. Strong emphasis had been placed on improving conditions for families with young children. The family policy addressed the role of fathers and the importance of strengthening that role for the good of the children, while also promoting equality and the value of family life. Since 1978 fathers had been entitled to take parental leave after the birth of a child, but few had exercised that right. Therefore, in 1993 a paternity quota was introduced whereby, if both parents qualified for parental benefits, four weeks of leave were reserved for the father. The paternity quota had proved very effective, as 8 out of 10 men took advantage of the leave.

394. She explained that in 1998 a scheme was introduced entitling certain families with children between the ages of one and three to a cash benefit. The purpose of the benefit was to give families more time to care for their children and freedom of choice in deciding childcare arrangements. Norway faced a shortage of day-care centres for young children and was addressing this issue as a high priority, including through increased budgetary allocations.

395. The representative indicated that one of the challenges facing Norway was that few women participated in decision-making in the economic field, especially in large corporations and firms. In 2002, only 6.6 per cent of members of boards of public stock companies were women. In an effort to address this situation, in 2002 the Government adopted a directive to the effect that both sexes should be represented by a presence of at least 40 per cent on executive boards of public joint stock companies and in State-owned companies. It is hoped that this goal will be reached by the end of 2003 with regard to State-owned companies. Private companies had until the end of 2005 to reach the goal. Initially, this directive had met with considerable resistance, but there was growing recognition that more diversity on executive boards would be an asset for companies. The number of women elected to executive boards of private companies had increased, although their number was still very low. The representative highlighted the fact that Norway was the first country in the world to propose legislation concerning the representation of women and men on executive boards.

396. She stated that equal pay for work of equal value was another top priority of her Government. During the last 20 years, the gap in wages between women and men had decreased and, compared with that of other countries, was generally small; however, more needed to be done. New legislation was adopted in 2002 on this issue, and the equal pay provision of the Gender Equality Act was revised to cover work of equal value across professions and occupations under the same employer. The representative stressed that in order to eliminate the pay gap, in addition to legislation primarily aimed at securing individual rights, the Government wished to focus on wage formation, social norms, market systems and pay policies.

397. The representative outlined a number of projects addressing the gender pay gap, including a project funded by the European Commission's Community Framework Programme, which carried out case studies of three occupations in Norway and five other European countries. Those studies showed that job segregation was a major explanation for differences in wages. The representative pointed out that the gender pay gap arose from the segregation of women and men in different occupations, firms and positions, and wage differences that favoured male-

dominated jobs. A Nordic project on equal pay, to be carried out from 2003 to 2006, would explore means of obtaining better statistics, analyse the relationship between wage formation and the pay gap and examine pay policies and the relationship between gender segregation in the labour market and differences in pay. Another project was aimed at developing a gender-neutral job evaluation system in Norway.

398. One of the Government's highest priorities was to combat violence against women. Assistance to women victims of violence had greatly improved. However, progress in preventing abuse and violence against women was difficult to determine. Underreporting of violence against women was still common. In September 2003, the Commission on Violence against Women was scheduled to submit a report that would provide an overview of measures taken and their results. That report would be taken into account in the Government's revision of its plan of action to combat domestic violence. The representative reported on the number of women taking refuge in shelters and indicated that the number of foreign women in shelters had been steadily rising.

399. The representative stated that trafficking in women and children was a fairly new problem in Norway and related mainly to sexual exploitation, involving mostly foreign women. The Government attached great importance to preventing trafficking in human beings, including criminalizing all aspects of trafficking, and supporting and protecting victims, and would launch a plan of action to prevent and combat trafficking in women and children in the spring of 2003. Non-governmental and other organizations and partners were involved in the preparations of the plan, which would cover all aspects of the chain of trafficking. The Government relied on international cooperation initiatives against trafficking and had initiated preparations for ratification of the United Nations Convention against Transnational Organized Crime and its three Protocols.

400. Combating arranged marriages and female genital mutilation had also been a priority of the Government, and a number of measures had been taken, including several action plans. The representative underlined that in dealing with these issues, the Government had relied on a dialogue with non-governmental organizations, individuals and communities that represented the cultures in which such practices had their roots.

401. Finally, the representative informed the Committee that the Government had provided financial support for a feasibility study concerning a possible worldwide hearing on best practices in combating violence against women.

Concluding comments of the Committee

Introduction

402. The Committee commends the State party for its fifth and sixth periodic reports, which comply with the Committee's guidelines for the preparation of reports. It also commends the State party for the oral presentation by the delegation, which helped to clarify the current situation of women in Norway and provided additional information on the implementation of the Convention.

403. The Committee commends the State party for its high-level delegation, headed by the Minister for Children and Family Affairs, and appreciates the frank and constructive dialogue that took place between the delegation and the members of the Committee.

Positive aspects

404. The Committee commends the State party for the effective national machinery for the advancement of women and gender equality and the wide range of policies, programmes and legislative initiatives aimed at ensuring de jure equality and at bringing about women's de facto equality with men.

405. The Committee also commends the State party for its innovative strategy to increase the number of women on the executive boards of public joint stock companies and State-owned companies. According to that strategy, legislation making it mandatory for the boards of those companies to have a minimum of 40 per cent from each sex in their membership would come into force in 2006, if that target had not been reached voluntarily by the end of 2005.

406. The Committee welcomes the State party's policy of strengthening the promotion and protection of women's human rights and of integrating a gender dimension into its development cooperation programmes.

407. The Committee notes with appreciation that the State party has ratified the Optional Protocol to the Convention and accepted the amendment to article 20, paragraph 1, of the Convention, relating to the Committee's meeting time.

408. The Committee commends the State party on its willingness to object to reservations entered by other States parties that it considers incompatible with the object and purpose of the Convention.

Principal areas of concern and recommendations

409. The Committee notes that the Convention has yet to be incorporated into the domestic law of the State party.

410. **The Committee recommends that the State party amend section 2 of the Human Rights Act (1999) to include the Convention and its Optional Protocol, which will ensure that the provisions of the Convention prevail over any conflicting statutes and that its provisions can be invoked in domestic courts. It also recommends campaigns to raise awareness of the Convention, aimed, inter alia, at parliamentarians, the judiciary and the legal profession. The Committee requests that the State party report on progress made in this regard in its next periodic report and that it provide information on instances in which the Convention has been invoked before domestic courts.**

411. The Committee is concerned about the persistence of stereotypical cultural attitudes towards women reflected in the low proportion of women in top leadership positions in the public sector, including in academia, which remains well below 20 per cent.

412. **The Committee recommends that the State party take additional measures to eliminate stereotypical cultural attitudes, including through awareness-raising campaigns directed at both women and men, and conduct research into the stereotypical cultural attitudes prevailing in Norway. It suggests that the State party consider changing the name of the Ministry of Children and Family Affairs to convey the concept of gender equality more clearly as a symbolic and important gesture. The Committee furthermore recommends that the State party encourage the media to project a positive image of women and of the equal status and responsibilities of women and men in the private and public spheres.**

413. While acknowledging the adoption in 2001 of the State party's plan of action against racism and discrimination, the Committee expresses concern about the multiple discrimination faced by migrant, refugee and minority women with respect to access to education, employment and health care and exposure to violence.

414. **The Committee urges the State party to take effective measures to eliminate discrimination against migrant, refugee and minority women and to further strengthen its efforts to combat xenophobia and racism. It also urges the State party to be proactive in its measures to prevent discrimination against these women, both within their communities and in society at large, and to increase their awareness of the availability of social services and legal remedies. The Committee recommends that the State party ensure that a gender dimension is included in legislation against ethnic discrimination.**

415. The Committee is concerned about the existence of various obstacles to the integration of migrant and refugee women into Norwegian society and regrets that the report provides insufficient information about their situation.

416. **The Committee recommends that the State party strengthen its efforts to, inter alia, enable and encourage migrant and refugee women, particularly those with care-giving responsibilities, to participate in Norwegian-language classes and calls on the State party to provide comprehensive information on this group of women — including in respect of their employment, social security and access to health care and other social services — in its next periodic report.**

417. The Committee expresses concern that the policy of decentralization has reduced the number of institutions responsible for gender equality issues at the municipal level, which may have a negative impact on the advancement of women and gender equality.

418. **The Committee recommends that the State party undertake a gender-impact analysis of its decentralization policy and guarantee, if necessary through legislation, that there are institutions responsible for gender equality issues in all communities in Norway.**

419. The Committee is concerned about the persistence of violence, including domestic violence, against women and children in Norway. It is further concerned that this violence, the extent of which is unknown, is regarded as falling into the private sphere. The Committee is furthermore concerned that a predominant and growing number of women who seek refuge in shelters for battered women are migrants. It is also concerned that an extremely low percentage of reported rapes results in convictions and that the police and public prosecutors dismiss an increasing number of such cases.

420. **The Committee urges the State party to intensify its efforts to address the issue of violence against women, including domestic violence, as an infringement of women's human rights. In particular, the Committee urges the State party to undertake appropriate measures and introduce laws in conformity with general recommendation 19 to prevent violence, prosecute and rehabilitate offenders, and provide support services and protection for victims. The Committee also urges the State party to initiate research and analysis of the causes of the very low percentage of trials and convictions in reported rape cases.**

421. The Committee notes with concern that trafficking in women and children for the purpose of sexual exploitation has not yet been defined explicitly as a crime under the penal code, nor has it been criminalized.

422. **The Committee urges the State party to enact relevant legislation in this regard.**

423. While noting that the State party offers some measures of support to victims of trafficking, both within its territory and in their countries of origin, the Committee notes with concern that the gravity and extent of the problem remain unknown.

424. **The Committee requests the State party to include in its next periodic report comprehensive information and relevant data, including on progress made in this area. It also recommends that the State party develop and strengthen measures of support for victims of trafficking, including through increased bilateral cooperation with their countries of origin. It further urges that the training of law enforcement officials be pursued so as to enable them to provide adequate support for victims of trafficking.**

425. While noting that the State party has placed the issue of forced marriages and female genital mutilation on the political agenda for the past few years, and has developed action plans and taken other political measures, the Committee is concerned at the extent of these practices.

426. **The Committee requests the State party to continue its efforts to eradicate those practices.**

427. The Committee is concerned about the noticeable decline in recent years in women's representation in Parliament and notes that the increase in women's participation in municipal and county councils is slow. The Committee is also concerned about the low level of representation of women in the higher levels of the diplomatic service, in particular as ambassadors or as consuls general.

428. **The Committee recommends that the State party introduce measures to increase the representation of women in Parliament, in municipal and county councils and at higher levels in the Foreign Service, particularly as ambassadors and consuls general.**

429. The Committee is concerned that women remain disadvantaged in the labour market, particularly that a wage gap between women and men persists and that the presence of women, as compared with that of men, predominates in part-time work.

430. **The Committee urges the State party to adopt policies and concrete measures to accelerate the eradication of pay discrimination against women, to further study the underlying causes of the wage gap and to work towards ensuring de facto equal opportunities for women and men in the labour market. The Committee recommends that further measures allowing for the reconciliation of family and professional responsibilities be adopted and implemented and that the equal sharing of domestic and family tasks between women and men be promoted.**

431. **Taking into account the gender dimensions of declarations, programmes and platforms for action adopted by relevant United Nations conferences, summits and special sessions (such as the special session of the General Assembly to review and appraise the implementation of the Programme of**

Action of the International Conference on Population and Development (twenty-first special session), the special session of the General Assembly on children (twenty-seventh special session), the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Second World Assembly on Ageing), the Committee requests the State party to include information on the implementation of aspects of these documents relating to relevant articles of the Convention in its next periodic report.

432. **The Committee urges the State party to respond in its next periodic report to the specific issues raised in the present conclusions.**

433. **The Committee requests that the text of the present conclusions be widely disseminated in Norway so as to inform the public, in particular administrators, officials and politicians, of the measures taken to guarantee de jure and de facto equality between men and women and of the supplementary measures to be adopted in that area. The Committee also urges the State party to continue to give broad publicity to the Convention, its Optional Protocol, the general recommendations of the Committee, the Beijing Declaration and Platform for Action, and the results of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century", held in June 2000 — particularly among women's associations and human rights organizations.**

Chapter V

Activities carried out under the Optional Protocol to the Convention

434. Article 12 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women provides that the Committee shall include in its annual report under article 21 of the Convention a summary of its activities under the Protocol.

A. Action taken by the Committee in respect of issues arising from article 2 of the Optional Protocol

1. Name and membership of the Working Group established under rule 62 of the Committee's rules of procedure

435. The Committee decided to change the name "Working Group on the Optional Protocol" to "Working Group on Communications under the Optional Protocol" as recommended by the Group.

436. The Committee confirmed the appointment of Hanna Beate Schöpp-Schilling (Chairperson), Aida González Martínez and Fatima Kwaku and newly appointed Cornelis Flinterman and Krisztina Morvai as members of the Working Group on Communications under the Optional Protocol for a two-year period. The Committee will revisit the issue of the membership at the end of that period, given developments in its potential caseload and the necessary expertise required in the Working Group.

2. Activities carried out under article 2 of the Optional Protocol

437. The Working Group on Communications under the Optional Protocol, established by the Committee at its twenty-fourth session, informally met during the course of the twenty-eighth session of the Committee, reviewed its methods of work including in respect of potential communications, and considered a number of issues related to cooperation between the Division for the Advancement of Women and the Office of the High Commissioner for Human Rights. It also noted that the Division, pursuant to a recommendation made by the Committee at its twenty-seventh session[2] will prepare background papers on several provisions of the Optional Protocol for the use of the Committee and the Working Group at the next session.

3. Dates of meetings of the Working Group on Communications under the Optional Protocol

438. The Committee endorsed the request of the Working Group that it meet one week prior to the sessions of the Committee. It also noted the Working Group's intention to meet prior to the twenty-ninth session from 23 to 27 June 2003.

B. Action taken by the Committee in respect of issues arising from article 8 of the Optional Protocol

Commencement of work by the Committee

439. In accordance with article 8, paragraph 1, of the Optional Protocol, if the Committee receives reliable information indicating grave or systematic violations by a State party of rights set forth in the Convention, the Committee shall invite that State party to cooperate in the examination of the information and to this end to submit observations with regard to the information concerned.

440. In accordance with rule 77 of the Committee's rules of procedure, the Secretary-General shall bring to the attention of the Committee information that is or appears to be submitted for the Committee's consideration under article 8, paragraph 1, of the Optional Protocol.

441. The Secretary-General, in pursuance of rule 77 of the Committee's rules of procedure, brought to the attention of the Committee at its twenty-eighth session information that had been submitted for the Committee's consideration under article 8 of the Optional Protocol. The Committee's work under article 8 of the Optional Protocol thus commenced at its twenty-eighth session.

442. In accordance with the provisions of rules 80 and 81 of the Committee's rules of procedure, all documents and proceedings of the Committee relating to its functions under article 8 of the Optional Protocol are confidential and all the meetings concerning its proceedings under that article are closed.

Chapter VI

Ways and means of expediting the work of the Committee

443. The Committee considered agenda item 8, on ways and means of expediting its work, at its 589th and 608th meetings, on 13 and 31 January 2003 (see CEDAW/C/SR.589 and 608).

444. In introducing the item, the Acting Chief of the Women's Rights Section of the Division for the Advancement of Women, Department of Economic and Social Affairs of the United Nations Secretariat, drew attention to the report of the Secretariat (CEDAW/C/2003/I/4).

Action taken by the Committee under agenda item 8

1. Members of the pre-sessional working group for the thirtieth session

445. The Committee decided that members of the pre-sessional working group for the thirtieth session and their alternates should be:

Members:

Ms. Huguette Bokpe Gnacadja
Ms. Salma Khan
Ms. Dubravka Šimonovic
Ms. Regina Tavares da Silva
Ms. Aida González Martínez

Alternates:

Ms. Akua Kuenyehia
Ms. Rosario Manalo
Ms. Victoria Popescu
Ms. Françoise Gaspard
Ms. Yolanda Ferrer Gómez

2. Dates of the twenty-ninth session of the Committee and its pre-sessional working group

446. In conformity with the approved calendar of conferences and meetings for 2003, the twenty-ninth session of the Committee will be held from 30 June to 18 July 2003. It was agreed that the pre-session working group for the thirtieth session would meet from 21 to 25 July 2003.

3. Reports to be considered at future sessions

447. The Committee decided to consider the following reports at its twenty-ninth and thirtieth sessions:

(a) Twenty-ninth session:

(i) Combined initial, second and third, and fourth periodic reports: Costa Rica;

(ii) Combined initial, second, third, fourth and fifth periodic reports: Brazil;

(iii) Second periodic reports:
Morocco;

(iv) Second and third periodic reports:
Slovenia;

(v) Combined third and fourth, and fifth periodic reports:
France;

(vi) Combined fourth and fifth periodic reports:
Ecuador;

(vii) Fourth and fifth periodic reports:
Japan;

(viii) Fifth periodic reports:
New Zealand;

(b) Thirtieth session:

(i) Initial reports:
Bhutan;
Kuwait;

(ii) Second periodic reports:
Kyrgyzstan;

(iii) Combined second and third periodic reports:
Nepal;

(iv) Combined fourth and fifth periodic reports:
Ethiopia;
Nigeria;

(v) Combined fourth, fifth and sixth periodic reports:
Belarus;

(vi) Fifth periodic reports:
Germany.

4. Studies/background papers on prostitution, trafficking and sexual orientation

448. The Committee recommended that the Division for the Advancement of Women prepare (a) a paper for the Committee's twenty-ninth session containing an analysis of the travaux preparatoires on article 6 of the Convention and the jurisprudence of the Committee in respect of prostitution and trafficking, based on its concluding comments and (b) a paper compiling information on the jurisprudence, if any, of other treaty bodies concerning the aspect of "sexual orientation" as it relates to discrimination and the enjoyment of human rights.

5. Overdue reports

449. The Committee decided, as part of a strategy to encourage States parties to report in accordance with article 18 of the Convention, to convene at its twenty-ninth session, a closed meeting with non-reporting States parties whose reports have been overdue for more than five years in order to discuss, inter alia, challenges

encountered when trying to adhere to the reporting cycle and ways and means to assist the State party in the preparation of its report.

450. The Committee also requested the Division for the Advancement of Women to prepare for its twenty-ninth session a compilation of profiles of non-reporting States, including priority non-reporting States, long-term non-reporting States and short-term non-reporting States, in order to facilitate the Committee's analysis of the root causes of non-reporting.

6. United Nations meetings to be attended by the Chairperson/members of the Committee in 2003

451. The Committee recommended that the Chairperson or an alternate attend the following meetings in 2003:

(a) The forty-seventh session of the Commission on the Status of Women;

(b) The fifty-ninth session of the Commission on Human Rights;

(c) Workshop to discuss reform proposals for treaty bodies contained in the report of the Secretary-General submitted to the General Assembly at its fifty-seventh session;

(d) The second inter-committee meeting of the human rights treaty bodies, which the Office of the High Commissioner for Human Rights plans to convene in June 2003;

(e) The fifteenth meeting of chairpersons of the human rights treaty bodies;

(f) The fifty-eighth session of the General Assembly (Third Committee).

In addition to the Chairperson, designated members of the Committee will attend the meetings referred to in subparagraphs (c) and (d) above.

Chapter VII

Implementation of article 21 of the Convention

452. The Committee considered agenda item 7, on the implementation of article 21 of the Convention, at its 589th and 608th meetings (see CEDAW/C/SR.589 and 608).

453. The item was introduced by the Acting Chief of the Women's Rights Section of the Division for the Advancement of Women, Department of Economic and Social Affairs of the United Nations Secretariat, who drew attention to a note by the Secretary-General on the reports of specialized agencies (CEDAW/C/2003/I/3) and the reports of specialized agencies on the implementation of the Convention in areas falling within the scope of their activity (CEDAW/C/2003/I/3/Add.1-4 and Add.1/Corr.1).

Action taken by the Committee under agenda item 7

1. General recommendation on article 4 (1) of the Convention

454. Ms. Schöpp-Schilling reported about an expert meeting on article 4, paragraph 1 of the Convention, convened by academics in October 2002 in Maastricht, the Netherlands, and referred to a brainstorming session that was held in the Permanent Mission of Germany to the United Nations in New York in July 2002, with the participation of civil society representatives and members of the Committee. The Committee invited Ms. Schöpp-Schilling to submit to the Secretariat, by mid-May 2003, the draft text of a general recommendation on article 4.1 of the Convention based on the background papers she had prepared with the assistance of the Secretariat, the discussions that had taken place between the Committee, interested United Nations agencies and non-governmental organizations and drawing on the results of the Maastricht expert meeting. The Committee requested that at least one day should be set aside during the twenty-ninth session for consideration of that draft text.

2. Long-term programme of work of the Committee regarding general recommendations

455. At its twenty-seventh session, the Committee on the Elimination of Discrimination against Women requested the Secretariat to provide a report on the current schedule for general recommendations for its twenty-eighth session, in January 2003. That report was before the Committee as part of the report of the Secretariat on ways and means of expediting the work of the Committee (CEDAW/C/2003/I/4, sect. III). The Committee discussed its various options. While agreeing that Committee members should simultaneously work on background papers to several general recommendations, no priorities among the topics were established. The following members volunteered to prepare background papers on the following issues:

Ms. Gonzalez, Ms. Shin, Ms. Gaspard, Ms. Morvai, Ms. Patten and Ms. Ferrer	Article 6
Ms. Melander, Ms. Kapalata	Refugee women

Mr. Flinterman, Ms. Popescu, Ms. Šimonovic	Outcome of the Durban Declaration and Programme of Action and multiple discrimination against women
Ms. Tavares da Silva, Ms. Kuenyehiya, Ms. Achmed, Ms. Šimonovic	Equity and equality
Ms. Manalo	Migrant women

Chapter VIII

Provisional agenda for the twenty-ninth session

456. The Committee considered the draft provisional agenda for its twenty-ninth session at its 608th meeting (see CEDAW/C/SR.608). The Committee decided to approve the following provisional agenda for the session:

1. Opening of the session.
2. Adoption of the agenda and organization of work.
3. Report of the Chairperson on activities undertaken between the twenty-eighth and twenty-ninth sessions of the Committee.
4. Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women.
5. Implementation of article 21 of the Convention on the Elimination of All Forms of Discrimination against Women.
6. Ways and means of expediting the work of the Committee.
7. Provisional agenda for the thirtieth session.
8. Adoption of the report of the Committee on its twenty-ninth session.

Chapter IX

Adoption of the report

457. The Committee considered the draft report of its twenty-eighth session (CEDAW/C/2003/I/L.1 and CEDAW/C/2002/I/CRP.3 and Add.1-7) at its 608th meeting (see CEDAW/C/SR.608), and adopted it, as orally revised during the discussion.

Notes

[1] Throughout the text, the term "governments" refers to the federal, provincial and territorial governments.

[2] See *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 38* (A/57/38), Part II, para. 361.

Part two
Report of the Committee on the Elimination of Discrimination against Women on its twenty-ninth session

Letter of transmittal

18 August 2003

Sir,

I have the honour to refer to article 21 of the Convention on the Elimination of All Forms of Discrimination against Women, according to which the Committee on the Elimination of Discrimination against Women, established pursuant to the Convention, "shall, through the Economic and Social Council, report annually to the General Assembly of the United Nations on its activities".

The Committee on the Elimination of Discrimination against Women held its twenty-ninth session at United Nations Headquarters from 30 June to 18 July 2003. It adopted its report on the session at the 628th meeting, on 18 July 2003. The report of the Committee is herewith submitted to you for transmission to the General Assembly at its fifty-eighth session.

Accept, Sir, the assurances of my highest consideration.

(*Signed*) Feride **Acar**
Chairperson
Committee on the Elimination of Discrimination against Women

His Excellency Mr. Kofi Annan
Secretary-General of the United Nations
New York

Chapter I

Matters brought to the attention of States parties

Decisions

Decision 29/I

The Committee decided on further modalities for the implementation of its strategy to encourage States parties to report in accordance with article 18 of the Convention. In particular, the Committee decided that those States parties whose initial reports under article 18 of the Convention were more than five years overdue as of 18 July 2003 would receive a letter from the Chairperson of the Committee reminding them of their reporting obligations (see paras. 451-454 below).

Chapter II
Organizational and other matters

A. States parties to the Convention on the Elimination of All Forms of Discrimination against Women

1. As at 18 July 2003, the closing date of the twenty-ninth session of the Committee on the Elimination of Discrimination against Women, there were 174 States parties to the Convention on the Elimination of All Forms of Discrimination against Women, which was adopted by the General Assembly in its resolution 34/180 of 18 December 1979 and opened for signature, ratification and accession in New York in March 1980. In accordance with article 27, the Convention entered into force on 3 September 1981.

2. A list of States parties to the Convention is contained in annex I to the present report. A list of States parties that have accepted the amendment to article 20, paragraph 1, of the Convention is contained in annex II. A list of States parties that have signed, ratified or acceded to the Optional Protocol to the Convention is contained in annex III.

B. Opening of the session

3. The Committee held its twenty-ninth session at United Nations Headquarters from 30 June to 18 July 2003. The Committee held 20 plenary meetings (609th to 628th) and held 8 meetings to discuss agenda items 5 and 6. A list of the documents before the Committee is contained in annex V, section B, to the present report.

4. The Assistant Secretary-General and Special Adviser to the Secretary-General on Gender Issues and Advancement of Women opened the session.

5. Addressing the Committee at its 609th meeting, on 30 June 2003, the Assistant Secretary-General and Special Adviser on Gender Issues and Advancement of Women drew attention to the steadily growing number of States parties to the Convention, which was contributing towards attainment of the goal of universal ratification. The number of States parties to the Convention had reached 174, while 52 States parties had ratified or acceded to the Optional Protocol. A total of 39 States parties had accepted the amendment to article 20, paragraph 1, of the Convention on the Committee's meeting time. While the steady increase in ratifications was a cause for satisfaction for all those who worked for women's full enjoyment of their human rights and fundamental freedoms, efforts had to continue to engage with those who still had concerns about participation in the treaty. The growing number of ratifications also highlighted the urgent need for efficient and effective functioning of the reporting system. More also needed to be done to strengthen follow-up to the Committee's concluding comments at the national level.

6. The Special Adviser reported on activities undertaken by herself and the Division for the Advancement of Women in the period from February to June 2003 in support of universal ratification of the Convention and its Optional Protocol and in support of the Committee's work, especially with regard to enhanced reporting. In April 2003, the Special Adviser had addressed the 108th Conference of the Inter-Parliamentary Union (IPU) in Santiago, Chile, where she had also launched the

Handbook for Parliamentarians on the Convention and its Optional Protocol that had been jointly prepared by the Division for the Advancement of Women and IPU. She noted that the Inter-Agency Network on Women and Gender Equality of the United Nations system was taking a growing interest in the Convention and its implementation. The Network would continue to discuss, at its next session, in February 2004, opportunities to support implementation of the Convention and follow-up to the Committee's concluding comments in a more systematic and sustained manner at the national level, as well as ways for integrating the Convention as part of their overall programming. As Chairperson of the Network, she would brief the Committee about progress at future sessions.

7. The Special Adviser reported that the Commission on the Status of Women, at its forty-seventh session in March 2003, had considered questions of women's human rights and the elimination of all forms of violence against women and girls. While the Commission had been unable to achieve consensus on agreed conclusions, many delegations had underlined the importance of the issue of violence against women and their commitment to combat it. The Commission had adopted, inter alia, a resolution on the situation of women and girls in Afghanistan, welcoming Afghanistan's ratification without reservations of the Convention. The Commission had also taken a decision relating to the confidential communications procedure on the status of women. The Director of the Division for the Advancement of Women, had addressed the Commission on Human Rights at its fifty-ninth session, held in March/April 2003. Many of that Commission's resolutions and decisions were highlighted in the report on ways and means of expediting the work of the Committee (CEDAW/C/2003/II/4).

8. A staff member of the Division had participated, in March 2003, as a resource person in an international training seminar organized in Berlin by the German Institute for Human Rights for NGOs and women's rights activists from 10 Eastern European and Central Asian countries and the Caucasus. Ms. Hanna-Beate Schöpp-Schilling, Committee member and Vice-Chair of the Board of the Institute, had made a statement. Another staff member had represented the Division at the twelfth session of the Commission on Crime Prevention and Criminal Justice, at Vienna, in May 2003, when that Commission had discussed trafficking in human beings, especially women and children. As a follow-up to the Expert Group Meeting on Trafficking in Women and Girls, held in Glen Cove, United States of America, in November 2002, the Division, in collaboration with the United Nations Office on Drugs and Crime and the Office of the United Nations High Commissioner for Human Rights, was preparing a publication on best practices against trafficking in women and girls for policy makers and practitioners working on that issue.

9. The Division continued to implement its technical cooperation and advisory services for States parties on reporting and follow-up, as well as on ratification. The Special Adviser thanked members of the Committee for their contribution to those efforts. Specifically, the Division had contributed to a regional reporting workshop on the Convention held in Apia, Samoa, in April 2003, organized by the Secretariat of the Pacific Community and funded by the New Zealand Agency for International Development (NZAID), the United Nations Development Fund for Women, the United Nations Development Programme and the Government of Samoa. Ms. Christine Kapalata, Rapporteur of the Committee, had served as principal trainer in the workshop. The Division had also participated in the fourth regional workshop on preparation and presentation of reports to international human rights

treaty bodies in Tegucigalpa, Honduras, in May/June 2003, organized by the Office of the United Nations High Commissioner for Human Rights in cooperation with the Government of Honduras. Ms. Zelmira Regazzoli, a former member of the Committee, had participated as an expert. The Division was preparing a regional judicial colloquium, to be held in Arusha, United Republic of Tanzania, in September 2003, on the application of international human rights law at the domestic level. The colloquium would be followed by a regional training workshop on reporting under the Convention on the Elimination of All Forms of Discrimination against Women. Both events were being organized by the Division in cooperation with the Government of the United Republic of Tanzania, with funding provided in part by the Government of Germany. A similar regional judicial colloquium and training workshop on reporting was planned for the Caribbean for late autumn 2003. The Division also expected to participate in a reporting workshop which the Economic and Social Commission for Asia and the Pacific (ESCAP) was planning to conduct before the end of the year for countries of the Commonwealth of Independent States.

10. The Special Adviser indicated that the Division did not currently have resources to support individual States parties in the preparation or finalization of a report. The ability to provide such support was, however, considered to be a most important opportunity for the Division, as well as the Committee, to enhance timely and effective reporting by States parties. The matter would, in the weeks and months ahead, be raised with donors so that the Division could support more effectively the process of implementation of the Convention at the national level.

11. Turning to the question of strengthening the reporting process and harmonizing the working methods of the treaty bodies, which had received new impetus from the Secretary-General's proposals on the issue, contained in his report entitled "Strengthening of the United Nations: an agenda for further change" (A/57/387 and Corr.1), the Special Adviser stated that the Director of the Division for the Advancement of Women, together with two members of the Committee, had participated in a brainstorming meeting convened by the Office of the United Nations High Commissioner for Human Rights and the Government of Liechtenstein, in Malbun, Liechtenstein, in May 2003. The report of that meeting (HRI/ICM/2003/4) had subsequently been considered by the second Inter-Committee meeting, held at Geneva from 18 to 20 June 2003, and by the fifteenth meeting of chairpersons of the human rights treaty bodies, held at Geneva from 23 to 27 June. The Chief of the Women's Rights Section had participated in both meetings.

12. The Special Adviser invited the Committee to continue its discussion on strengthening the human rights treaty system. The Convention on the Elimination of All Forms of Discrimination against Women was the human rights treaty with the second largest number of ratifications, but a substantial number of States parties had either never submitted a report in accordance with article 18, or were substantially late in submitting such reports. The Committee had made concerted efforts to enhance its working methods, improve the consideration of reports and the constructive dialogue, and encourage States to fulfil their reporting obligations — one of the essential obligations of all States parties. She called on the Committee to continue those efforts.

13. At the current session, the Committee would consider the reports of eight States parties, namely those of Brazil, Costa Rica, Ecuador, France, Japan, Morocco, New Zealand and Slovenia. The Committee would also hold a meeting with States parties whose reports under the Convention were more than five years overdue. It would continue its work on its draft general recommendation on article 4, paragraph 1, temporary special measures, and would also have before it several working papers prepared by the secretariat.

C. Attendance

14. Twenty-two members of the Committee attended the twenty-ninth session. Mr. Göran Melander attended from 30 June to 15 July 2003.

15. A list of the members of the Committee indicating the duration of their terms of office appears in annex IV to the present report.

D. Adoption of the agenda and organization of work

16. The Committee considered the provisional agenda and organization of work (CEDAW/C/2003/II/1) at its 609th meeting. The agenda was adopted as follows:

1. Opening of the session.
2. Adoption of the agenda and organization of work.
3. Report of the Chairperson on activities undertaken between the twenty-eighth and twenty-ninth sessions of the Committee.
4. Consideration of the reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women.
5. Implementation of article 21 of the Convention on the Elimination of All Forms of Discrimination against Women.
6. Ways and means of expediting the work of the Committee.
7. Provisional agenda for the thirtieth session.
8. Adoption of the report of the Committee on its twenty-ninth session.

E. Report of the pre-session working group

17. At its ninth session, the Committee decided to convene a pre-session working group for five days prior to each session to prepare lists of issues and questions relating to the periodic reports that would be considered by the Committee at the following session. The pre-sessional working group for the twenty-ninth session of the Committee met from 4 to 7 February 2003.

18. The following members, representing different regional groups, participated in the working group: Sjamsiah Achmad (Indonesia), Yolanda Ferrer Gómez (Cuba), Fatima Kwaku (Nigeria) and Göran Melander (Sweden). The pre-session working group elected Göran Melander as its Chairperson.

19. The working group prepared lists of issues and questions relating to the reports of the following States parties: Ecuador, France, Japan, Morocco, New Zealand and Slovenia.

20. At the 609th meeting, Mr. Göran Melander introduced the report of the pre-session working group (see CEDAW/PSWG/2003/II/CRP.1 and Add.1-6).

Chapter III

Report of the Chairperson on the activities undertaken between the twenty-eighth and twenty-ninth sessions

21. At the 609th meeting, the Chairperson of the Committee, Ms. Feride Acar, congratulated Ms. Akua Kuenyehia on behalf of the Committee on her election to the International Criminal Court and her subsequent election to serve as a Vice-Chairperson of the Court. She noted that the Committee had approved the nomination of Ms. Dorcas Ama Frema Coker-Appiah to fill the remainder of Ms. Kuenyehia's term of office and expected to welcome Ms. Coker-Appiah later in the session.

22. The Chairperson briefed the Committee on her attendance at the forty-seventh session of the Commission on the Status of Women, where she had addressed the opening meeting of the Commission and also served as a panellist on the theme of the human rights of women and the elimination of all forms of violence against women and girls, at the invitation of the Bureau of the Commission on the Status of Women. Noting that other panellists had been asked to speak on domestic violence, trafficking in women and girls, and regional approaches to the promotion and protection of women's human rights, respectively, the Chairperson said that she had been asked to discuss recent key trends and issues in the implementation of the Convention on the Elimination of All Forms of Discrimination against Women. In that regard, she had raised the issue of the continuing existence of a substantial number of reservations to the Convention. Identifying national implementation as one of the bottlenecks for the enjoyment by women of their human rights, she had pointed to gaps in legislative frameworks, the persistence of discriminatory legislation in many areas, the discriminatory impact of the coexistence of multiple legal systems, the persistence of stereotypes and the implications of these issues for gender equality. She had also pointed to the continuing problem of violence against women, violations of women's human rights in conflict situations, and new trends in multiple discrimination against women, where gender-based discrimination intersected with, inter alia, racism, xenophobia, ethnic nationalism and religious fundamentalism. She had been pleased with the substantive debate that had followed, and the interaction with delegations and observers. In the general debate, many delegations had made reference to the Convention and its Optional Protocol, underlining the need to enhance implementation at the national level.

23. In her address to the Commission on Human Rights at its fifty-ninth session, she had reviewed the status of the Convention and its Optional Protocol, the Committee's working methods and the Committee's efforts to encourage ratification as well as reporting. She had also participated in a panel discussion presided over by the Chairperson of the Commission on Human Rights and with the participation of the High Commissioner for Human Rights, and office holders of intergovernmental and expert bodies on violence against women, including the outgoing Special Rapporteur on violence against women, its causes and consequences. The Chairperson expressed her appreciation to Ms. Naéla Gabr for supporting and encouraging the interest of Geneva-based delegates in the Convention and its Optional Protocol.

24. The Chairperson highlighted the active participation of Ms. Victoria Popescu Sandru and Ms. Hanna-Beate Schöpp-Schilling in the brainstorming meeting on

strengthening of the human rights system, which was organized by the Office of the High Commissioner for Human Rights and hosted by the Government of Liechtenstein in May 2003. The Committee's views on the Secretary-General's ideas for reform of the reporting system, which had been submitted by the Chairperson to the High Commissioner for Human Rights in March, had been fully reflected in the background documentation for the brainstorming meeting. She thanked Ms. Schöpp-Schilling and Ms. Popescu for their insights and comments, supplementing the report and points of agreement of the Malbun meeting.

25. Turning to the second Inter-Committee meeting, which she had attended at Geneva from 18 to 20 June together with Mr. Cees Flinterman and Ms. Heisoo Shin, and the fifteenth meeting of Chairpersons of the human rights treaty bodies, held at Geneva from 23 to 27 June, the Chairperson reported that the main purpose of those meetings had been to consider strengthening the implementation of human rights treaties, enhancing monitoring, dialogue and follow-up, and achieving better coordination and coherence of the overall treaty system. The Inter-Committee meeting had unanimously shared the views of the Malbun meeting that a single report summarizing a State party's adherence to the full range of international human rights treaties to which it was a party would not adequately meet the overriding concerns and objectives of the reform discussion, namely, to strengthen the implementation of human rights obligations at the national level. Instead, the meeting had very clearly emphasized the need for continuing efforts at many levels to enhance the treaty system, and especially its implementation at the national level.

26. The Chairperson submitted the recommendations of the Inter-Committee meeting for consideration by the Committee. She especially highlighted two issues for the Committee's attention. The first was the question of non-reporting, that is, how to deal with situations where States parties had never reported to the Committees, or where States parties were considerably late in submitting periodic reports. She pointed out that both the Inter-Committee meeting and the Chairpersons' meeting had considered non-reporting to be a very serious matter, where a State did not adhere to its treaty obligation and thus decisive action on the part of the Committees was required. A second issue that had received substantial attention was the need for follow-up to concluding comments. Among the means discussed were actions by the Committees themselves and capacity-building activities by entities of the United Nations system and by NGOs and civil society. She encouraged the members of the Committee to discuss how progress could be made in those areas. She also identified the proposals for preparation of expanded core documents, focused periodic reports and preparation of relevant guidelines for action by the Committee.

27. The fifteenth meeting of Chairpersons of the human rights treaty bodies had provided opportunities for fruitful discussions with NGOs, States parties, entities of the United Nations system, the special procedures system, which had met in parallel to the Chairpersons' meeting, and the expanded Bureau of the fifty-ninth session of the Commission on Human Rights and the Subcommission on the Protection and Promotion of Human Rights.

28. The Chairperson informed the Committee that a former member of the Committee, Dame Sylvia Cartwright, now the Governor-General of New Zealand, had paid an official visit to her country, Turkey, in the latter part of April 2003. During that time, the Chairperson had had the honour of hosting another former

member and Chairperson of the Committee, Ms. Ivanka Corti. The Chairperson had also participated as keynote speaker, at the invitation of the American Bar Association's Central and Eastern Europe Law Initiative (CEELI), in a conference in Tbilisi, Georgia, at which national experiences in participating countries with regard to follow-up of the Committee's concluding comments had been discussed and compared.

Chapter IV

Consideration of reports submitted by States parties under article 18 of the Convention

A. Introduction

29. At its twenty-ninth session, the Committee considered the reports of eight States parties submitted under article 18 of the Convention: the combined initial, second and third and the fourth periodic reports of one State party; the combined initial, second, third, fourth and fifth periodic report of one State party; the second periodic report of one State party; the second and third periodic reports of one State party; the combined third and fourth and the fifth periodic reports of one State party; the combined fourth and fifth periodic report of one State party; the fourth and fifth periodic reports of one State party; and the fifth periodic report of one State party.

30. The Committee prepared concluding comments on each of the States parties considered. The Committee's concluding comments, as prepared by members of the Committee, and a summary of the introductory presentations by the representatives of the States parties are provided below.

B. Consideration of reports of States parties

1. Combined initial, second and third and fourth periodic reports

Costa Rica

31. The Committee considered the combined initial, second and third reports and the fourth periodic report of Costa Rica (CEDAW/C/CRI/1-3 and CEDAW/C/CRI/4) at its 612th, 613th and 619th meetings, held on 2 and 9 July 2003 (see CEDAW/C/SR.612, 613 and 619).

Introduction by the State party

32. Introducing the reports, the representative of Costa Rica informed the Committee of the progress made in the country on behalf of women within a framework of gradual reform of the State.

33. With regard to political structure, the representative of Costa Rica stated that in 1998 the National Institute for Women (INAMU) had been established, superseding the National Centre for Women and Family Development as the supervisory body for national policies relating to women. In addition, a Minister on the Status of Women had been appointed, who at the same time served as Executive Secretary of INAMU.

34. The representative of Costa Rica emphasized the progress made in relation to policies and action with the approval in 1990 of the Act Promoting the Social Equality of Women, for the purpose of protecting the human rights of women, and of the Responsible Paternity Act in 2001 to prevent discrimination against women with children born out of wedlock or not recognized by the father. That Act had made processes of recognition of paternity more flexible and introduced an obligation on the part of fathers to discharge their economic responsibility.

35. With regard to political participation by women, the representative of Costa Rica informed the Committee that the most important achievement had been the approval of the Act on Reform of the Electoral Code, which had established a minimum quota of 40 per cent for women's political participation for access to elected office. The results achieved reaffirmed the importance of minimum quotas for women's political participation.

36. The representative of Costa Rica stressed the progress made in relation to sexual and reproductive health through the formulation of the national health policy, which included the reproductive health and sexual rights area, recognizing the right of women to receive professional counselling services, and the Programme for the Prevention and Detection of Cervical, Uterine and Breast Cancer. Special attention had been paid to the need to extend the health care model for women to all health centres in the country.

37. The representative of Costa Rica informed the Committee about the progress made in relation to violence and sexual exploitation with the launching in 1997 of the National System for the Care and Prevention of Domestic Violence. That system, which involved the participation of a large number of public representatives and representatives of civil society, had established care and prevention networks on domestic violence, specialized care centres and shelters for women victims of aggression, and a telephone hotline. A high-level commission to draw up policies for preventing deaths of women, and a national policy for care and prevention of violence and maltreatment of minors affected by domestic violence had also been established. Also, there was still resistance to the implementation of the Domestic Violence Act, and the draft law penalizing violence against adult women was pending approval. Those laws aimed at highlighting impunity and gender discrimination in the Costa Rican penal system. With regard to sexual exploitation, only limited progress had been made owing to the lack of linkage between the National Plan to Combat Commercial Sexual Exploitation and the strategies for care of the victims.

38. With regard to education, the representative of Costa Rica stressed the revision of curricula to eliminate gender stereotypes, avoid sexist language and images in textbooks and increase the number of women in the state universities and their equitable access to fellowships, research, teaching posts and the academic regime. She stressed the absence of a State education policy to eliminate discriminatory practices in education.

39. The representative of Costa Rica informed the Committee of the progress made in relation to employment and the economy. She stressed the establishment of the Inter-Institutional Commission on the Labour Rights of Women and the Act on Services for Women Living in Poverty under the National Poverty Reduction Plan, whose programme "Creciendo Juntas" [Women Growing Together] was the subject of special attention. The aim of that programme was to integrate women living in poverty and extreme poverty into employment and production through individual and collective empowerment of women, technical and job training and their integration into production. The representative of Costa Rica nevertheless referred to the absence of an employment policy and the persistence of gender inequalities in relation to access to jobs and production assets.

40. With regard to rural areas, the representative of Costa Rica emphasized awareness promotion and training for the staff of institutions in the agriculture and

livestock sector in order to incorporate a gender perspective, but stressed the lack of policies for dealing with poverty among rural women and the low level of social security coverage.

41. The representative of Costa Rica informed the Committee about the progress made in relation to migration through the incorporation of the migrants-gender relationship, but stressed the inadequacy of the available data on the population in question.

42. With regard to diversity, the representative of Costa Rica stressed the incorporation in the 2000 census of an indicator on living conditions of "minority" populations, aimed at attaining more information on Afro-descendant and indigenous populations.

43. In conclusion, the representative of Costa Rica reiterated the commitment entered into by the State of Costa Rica in 1985 to promulgate the Convention on the Elimination of All Forms of Discrimination against Women without reservation.

Concluding comments of the Committee

Introduction

44. The Committee expressed its gratitude to the State party for introducing its combined initial, second and third reports and its fourth report, which, although with considerable delay, provided broad information on the progress made and the problems still being encountered by the State party in implementing the Convention on the Elimination of All Forms of Discrimination against Women.

45. The Committee noted with satisfaction the high level of the Costa Rican delegation, headed by the Minister on the Status of Women, accompanied by the Minister of Health and other high officials, and thanked them for their frankness in introducing the report and for the replies provided to the questions asked by the Committee.

46. The Committee commended the State party on its ratification in September 2001 of the Optional Protocol to the Convention.

47. The Committee noted with satisfaction that the State party had involved civil society and non-governmental organizations in the process of drawing up the reports, particularly the fourth periodic report.

Positive aspects

48. The Committee commended the State party's establishment in 1986 of a national mechanism as the supervisory body on national policies relating to women, a mechanism which had been strengthened in 1998 with the establishment of the National Institute for Women, a decentralized autonomous body. It also commended the establishment of the National Network of Ministerial, Sectoral and Municipal Offices for Women.

49. The Committee noted with satisfaction that the State party had given the Convention the rank of a constitutional law, as a legally binding treaty taking precedence over national legislation. The Committee also commended the State party for the adoption of the National Policy on Gender Equality and Equity 2002-

2006, for the purpose of incorporating the gender approach in the Government's national programme.

50. The Committee noted with satisfaction that the Constitution proclaimed the equality of all persons before the law and prohibited discrimination, and that the Act Promoting the Social Equality of Women explicitly proclaimed the equality of women and men; it also noted that national legislation included various general laws regulating inter alia the area of the family, employment and education, while other pieces of legislation were in the course of analysis and approval aimed at eliminating discrimination against women.

51. The Committee noted with satisfaction that the State party had adopted a substantial number of specific laws and reforms to national general laws, approved by the Legislative Assembly, with a view to ensuring the full implementation of the Convention in Costa Rica's legal framework, including Act 7142 promoting the social equality of women, the Responsible Paternity Act, the Act on Sexual Harassment in the Workplace and in Education of 1995 and the 1996 reforms to the Electoral Code providing for minimum 40 per cent participation in electoral processes. The Committee noted with satisfaction the adoption of the Domestic Violence Act and the implementation of the Comprehensive Care Programme for Domestic Violence.

Principal areas of concern and recommendations

52. Although the Constitution proclaims the equality of all persons before the law and prohibits discrimination, the Committee notes with concern that the Convention is not directly invoked in legal proceedings and that social resistance and sociocultural patterns still exist that impede the practical implementation of these legal norms.

53. **The Committee recommends that the State party launch at the national level a broad programme of dissemination of the Convention and its implications for protection of the rights of women, and that it conduct legal education and training activities for women, lawyers, officials in charge of law enforcement and judges and magistrates, with a view to ensuring that the provisions of the Convention are known and are made use of in judicial processes.**

54. Although the Committee notes with satisfaction the efforts made by the State party since 1994 to combat and eliminate violence against women, particularly domestic violence, it notes with concern that the problem has been viewed in the context of health, and is not recognized as a human rights violation and as grave discrimination against women. The Committee is also concerned that the Domestic Violence Act does not penalize domestic violence or rape in marriage, and that in applying it the courts do not employ uniform criteria, particularly with respect to the level of application of measures to protect the victims, while at the same time, the practice of holding conciliation meetings between the aggressors and the victims of family violence is promoted.

55. **The Committee requests the State party to recognize that violence against women is a human rights violation and a serious form of discrimination against women, to promote the adoption and promulgation of the Act on the Criminalization of Violence against Women and the preparation of the**

requisite regulations and legal procedures for its better application. The Committee also requests the State party to strengthen programmes to combat violence against women, including training and awareness promotion for court officials and judges, and to encourage judges to reduce the utilization of "conciliation" between aggressors and victims and to ensure that the rights of women are duly protected in such "conciliation meetings". The Committee also recommends to the State party that in carrying out the measures suggested above and in any others aimed at eliminating and penalizing violence against women, it should take into account the provisions of the Convention and of the Committee's General Recommendation 19.

56. The Committee takes note of the Government's efforts to combat sexual exploitation and forced prostitution through the promulgation of Act 7899 on the Sexual Exploitation of Minors and the establishment of the Special Prosecutor for Sexual Offences and of the Sexual Exploitation Unit in the Ministry of Public Security. Nevertheless, the Committee notes with concern that at political and judicial decision-making levels, and in Costa Rican society at large, there does not appear to exist an awareness of the social and cultural implications of the offence of traffic in persons and sexual exploitation of women and girls.

57. **The Committee requests the State party to strengthen actions aimed at combating traffic in persons and sexual exploitation of women and girls, and to encourage awareness in all sectors of Costa Rican society, particularly the judicial and public security authorities, educators and parents, with a view to the implementation of measures to prevent sexual exploitation of children, adolescents and adults. It is also recommended that vigorous measures be taken against traffic in women and girls, and that if necessary, the existing institutions responsible for dealing with this problem be remodelled, promoting the reinstatement of participation and cooperation by the non-governmental organizations concerned.**

58. The Committee notes that the provisions of the Electoral Code establishing minimum 40 per cent quotas for women's participation have not been fully respected by political parties.

59. **The Committee recommends that the State party redouble its efforts and strengthen legislative or procedural measures, as necessary, to ensure proper application of the legislation in force, and that it seek approval of the reforms to articles 5 and 6 of the Act Promoting the Social Equality of Women with the view to ensuring women's participation both in party structures and in elective posts, including the alternation of men and women in lists of candidates submitted for election by political parties. The Committee also recommends that the State party consider adopting temporary measures, in conformity with article 4.1 of the Convention, to promote the establishment of effective mechanisms designed to secure greater participation by women at the decision-making level in government bodies.**

60. The Committee notes with concern that despite the measures taken aimed at changing stereotyped social concepts and the successes achieved, views and practices still exist, particularly in education, that promote segregation of women in higher education and, in general, discrimination against women throughout the educational system.

61. **The Committee recommends to the State party that it continue to implement measures aimed at changing social stereotypes that encourage discrimination against women and impede their egalitarian performance in society.**

62. The Committee notes with concern that although the Constitution guarantees the right to work and the principle of non-discrimination in the employment sphere, norms and practices still exist that discriminate against working women, and that there is a wage gap, to the disadvantage of women, which has greater impact in the private sector than in the civil service; it also notes with concern the precarious working and living conditions of women domestic workers, including migrant workers, as well as of salaried women workers, rural women, women in the informal sector and indigenous women.

63. **The Committee requests the State party to continue promoting the approval of the reforms to the Labour Code contained in the draft Law on Gender Equity, and requests it to include in its next report information on the results of activities aimed at neutralizing the negative effects of free-trade agreements on female employment and the quality of life of women, as indicated by the State party. The Committee also requests the State party to adopt the legislative, administrative or other measures needed to ensure that women domestic workers, including migrant workers, temporary wage earners, women in the informal sector and rural and indigenous women have access to social security and other employment benefits, including paid maternity leave.**

64. The Committee notes with concern that some groups of women workers do not benefit from the application of the Act on Sexual Harassment in the Workplace and in Teaching, particularly in the private sector.

65. **The Committee requests the State party to promote adequate regulations under the Act on Sexual Harassment in the Workplace and in Education in order to show that it is complied with without exception and duly implemented by the private sector.**

66. The Committee notes with concern that the impact of poverty is greater among women and that the State does not apply the gender perspective in its national activities to combat poverty.

67. **The Committee requests the State party to pay specific attention to households headed by women and to groups of women in a vulnerable situation, as well as to rural women, older women, indigenous women and disabled women, in drawing up and implementing programmes to combat poverty, and to seek to ensure their access to production resources, education and technical training.**

68. The Committee notes with satisfaction the comprehensive health-care programmes for women and the progress achieved, as well as the establishment of the Inter-Institutional Commission on Sexual and Reproductive Health, the 1994 Reproductive and Sexual Health and Rights Counselling Services and the new comprehensive health-care model. Nevertheless, the Committee expresses its concern at the limited dissemination of women's comprehensive health-care rights and the absence of a national sexual education and family planning information and/or education programme to permit the creation of awareness among women and men of their rights and responsibilities in relation to the reproductive process. It is

also concerned that, despite the steps taken and the adoption of the Adolescent Mothers' Protection Act, there is continued increase in teenage pregnancies and apparent lack of awareness among men, teenage or adult, of their responsibility as fathers.

69. **The Committee requests the State party to strengthen its health-care programmes, including those for sexual and reproductive health, and to launch as soon as possible a national programme to provide women and men with timely and reliable information on the available contraceptive methods and those capable of allowing them to exercise their right of free and informed choice of the number and spacing of the children they wish to have, as well as to reinforce the measures for preventing sexually transmitted diseases and HIV/AIDS, including the availability of condoms. It also requests the State party to continue strengthening support programmes for pregnant teenagers and mothers and sex education programmes aimed at preventing pregnancies among the teenage population.**

70. The Committee takes note of the interpretation given by the Constitutional Chamber of Costa Rica to the principle of equality and of the State party's view regarding the need to utilize the two concepts of equity and equality also in the legal sphere. Nevertheless, the Committee expresses its concern over the fact that the terms "equality" and "equity" appear to be used as synonyms in the State party's plans and programmes.

71. **The Committee requests the State party to take note of the fact that in the context of implementation of the Convention the terms "equity" and "equality" are not interchangeable or synonymous and that the Convention includes the obligation of States to eliminate discrimination against women and ensure de jure and de facto equality of women and men.**

72. **The Committee requests the State party to deposit as soon as possible its instrument of acceptance of the amendment to paragraph 1 of article 20 of the Convention relating to Committee sessions.**

73. **The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its fifth periodic report, which was due in May 2003 and its sixth periodic report, due in May 2007, in a combined report in 2007.**

74. **Bearing in mind the gender-related aspects of the statements, programmes and action platforms approved by the United Nations at its relevant conferences, summit meetings and special sessions (such as the special session of the General Assembly on the overall review and appraisal of the implementation of the Programme of Action of the International Conference on Population and Development (the twenty-first special session), the special session on children (the twenty-seventh special session), the World Conference against Racism and Racial Discrimination, Xenophobia and Related Intolerance and the Second World Assembly on Ageing), the Committee requests the State party to include information on the implementation of the aspects of those documents relating to relevant articles of the Convention in its next periodic report.**

75. **The Committee requests that the present concluding comments be broadly disseminated in Costa Rica so that the Costa Rican people, and in particular senior government officials and politicians, will be aware of the measures taken in relation to the de facto and de jure equality of women, and of future measures required in this respect. It also requests the State party to continue giving broad dissemination, especially among women's and human rights organizations, to the Convention and its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the results of the twenty-third special session of the General Assembly entitled: "Women in the year 2000: gender equality, development and peace for the twenty-first century".**

2. Combined initial, second, third, fourth and fifth periodic report

Brazil

76. The Committee considered the combined initial, second, third, fourth and fifth periodic report of Brazil (CEDAW/C/BRA/1-5) at its 610th, 611th and 616th meetings on 1 and 7 July 2003 (see CEDAW/C/SR.610, 611 and 616).

Introduction by the State party

77. In introducing the report, the representative of Brazil stated that it covered 17 years, giving an overview of measures adopted by the Government since 1985, in compliance with the Convention on the Elimination of All Forms of Discrimination against Women. It was the result of a collective effort by women's organizations and experts in human rights in partnership with the Ministry of External Relations and the Ministry of Justice, through the National Council for Women's Rights (CNDM). The report provided an important tool for the present Administration whose principal goals included the reduction of poverty and the enhancement of citizenship rights. Brazil had also ratified the Optional Protocol to the Convention in 2002, and had recognized the jurisdiction of international human rights courts.

78. The representative informed the Committee of the creation of three institutional mechanisms to fight discrimination: namely, the Special Secretariat for Women's Policies, created on 1 January 2003, the Special Secretariat for the Promotion of Racial Equality Policies, and the Special Human Rights Secretariat, which were directly subordinated to the Presidency of the Republic. The new Government was committed to strengthening public policies for the protection and the promotion of the rights of women and to appropriating the necessary budgetary and human resources.

79. In updating the information contained in the report of Brazil, the representative discussed new legislative initiatives as well as progress in the areas of women's economic autonomy, labour, health, education and violence against women.

80. Among the legislative provisions, the representative highlighted a law of 1996 instituting the right to family planning within the context of the Unified Health System and the entry into force of a new civil code in January 2003. Notwithstanding constitutional and legislative advances, certain prejudices and sexist and discriminatory attitudes towards women continued to exist. For example, domestic servants were not fully covered by labour laws, and there was no legislative acknowledgement of the rights of persons in homosexual relationships.

Reform of the Penal Code of 1940 was urgently needed to eliminate provisions that discriminated against women, such as severe penalties imposed for abortion, which the current law allowed only in restricted situations. The representative also deplored the absence of a law to combat domestic violence and protect victims of such violence.

81. Observing that one of the most salient features of Brazilian society was its inequality and high social exclusion rates, the representative discussed areas of persistent discrimination against women. Poverty was concentrated among black or Afro-Brazilian groups, and women in those groups were particularly disadvantaged. The Government's Zero Hunger Programme, which was the central policy to combat hunger and the structural causes of poverty, included actions targeted at women.

82. While women on average had a higher level of schooling than men, that did not translate into comparable rates of professional achievement and remuneration for women. Black women had significantly lower indicators of educational achievement than white women. New initiatives aimed at increasing school attendance and funding for education as well as at revitalizing all levels of education to overcome structural racial discrimination.

83. While women's access to power was occurring at different levels, including through women's entry into the labour market and their growing level of education, their representation in public office remained low. The representative gave an overview of the number of women in various branches of the Government, stating that Brazilian women made up over 51 per cent of the electorate, but only 8.75 per cent of the elected representatives in the National Congress. A law of 1995 requiring that political parties present a minimum of 30 per cent and a maximum of 70 per cent of candidates of either sex had not yet shown any significant results. Women were also largely absent from the judiciary.

84. The representative stated that the new Government, which included five women ministers, was pursuing measures to increase affirmative action policies beyond electoral quotas, enhance representation of Brazilian women in public administration and at the international level, and stimulate greater political participation by women through media campaigns and capacity-building measures. Programmes were also being implemented to overcome the resistance of the judiciary to the demands of women, such as national seminars to sensitize members of the judiciary and law enforcement agencies with regard to gender equality issues; awareness-raising concerning international human rights treaties and conventions; law reform efforts to eliminate discrimination against women; and legislation aimed at enforcing women's rights.

85. A national comprehensive women's health programme had been launched in 1983. However, its full implementation faced difficulties. For example, maternal deaths remained at a very high level. Although a tendency towards the feminization of the epidemic was noted, the human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS) incidence rates had been declining since 1999 as a result of the internationally recognized programme to combat AIDS of the Ministry of Health. A series of additional actions and measures were being developed in the field of women's health, including those aimed at reducing maternal mortality and improving sexual and reproductive rights.

86. The representative stated that the situation of work and employment in Brazil was quite precarious, with a high unemployment rate. While women accounted for 40.4 per cent of the economically active population, obstacles to overcome included women's high unemployment rate, traditionally lower salaries and the informality of labour relations. Women's labour situation was further aggravated by factors of race and ethnicity as well as by regional aspects, as poverty was more concentrated among rural women, in major urban centres and in certain regions of the country. The new administration was implementing a series of actions to contribute towards the improvement of women's opportunities in the productive sector.

87. With regard to violence against women, the representative pointed to the creation, since 1985, of specialized police stations for women victims of violence. A historic ruling of the Supreme Court of 1991 rejected the "legitimate defence of honour". Sexual exploitation and trafficking in women and girls were increasing in the country. One of the goals of the new Administration was the implementation of a comprehensive programme for the prevention and combating of violence against women, including the drafting of legislation on domestic violence, the improvement of services for victims of violence and the prevention of violence against women.

88. In conclusion, the representative noted important advances in the condition of Brazilian women and the essential contributions of women's organizations, including those for women of African descent, in the achievement of public policies in support of the implementation of the Convention. However, social exclusion and high poverty affected mostly women in a country with one of the largest income distribution gaps in the world. Sociocultural concepts, structures and processes kept women in subordinate positions and justified their unequal access to economic, social and political resources. The Government and the Special Secretariat for Women's Policies, in dialogue with civil society organizations, were determined to make every effort to achieve equality between women and men and among women themselves, and to eliminate discrimination against women, in particular against black and indigenous women.

Concluding comments of the Committee

Introduction

89. The Committee expresses its thanks to the State party for its combined initial, second, third, fourth and fifth periodic report, which, although very long overdue, was frank, informative, comprehensive and self-critical and provided information about all levels of the Federal Republic.

90. The Committee commends the State party on its high-level delegation, which was headed by the Special Secretary of Women's Policies, of ministerial rank, and included the Special Secretary of Racial Equality Promotion Policies, also of ministerial rank, representatives of two ministries, and representatives of non-governmental organizations. It expresses appreciation to the State party for the oral presentation, which provided an overview of recent advances and challenges remaining to achieving gender equality in Brazil, and for the extensive written responses and further clarification to the questions posed by the Committee.

91. The Committee expresses its appreciation for the withdrawal of the reservations to article 15, paragraph 4 and to article 16, paragraph 1 (a), (c), (g) and (h) of the Convention.

Positive aspects

92. The Committee commends the State party on its Federal Constitution of 1988 that enshrines the principle that men and women have equal rights and duties; prohibits discrimination in the labour market by reason of sex, age, colour or marital status; protects motherhood as a social right by ensuring maternity leave without the loss of job and salary; and establishes the duty of the State to suppress violence within the family.

93. The Committee commends the State party for a number of legal reforms introduced since the ratification of the Convention in 1984, including the law on paternity suits involving children born out of wedlock; the law on the right to family planning; the law that criminalizes sexual harassment; and the law that provides for restraining orders in domestic violence cases. The Committee also welcomes the recent reform of the Civil Code that introduces equality between spouses in gender-neutral terms, but acknowledges that some anachronistic provisions remain.

94. The Committee welcomes the creation of the Special Secretariat for Women's Policies, which, reports directly to the President and has advisory, coordinating and monitoring functions with respect to women's policies. The Committee considers that the placement of the new national machinery at the ministerial level reflects strong political will and the Government's commitment to working towards achieving equality between women and men in compliance with the Convention.

95. The Committee commends the State party for launching the Zero Hunger Programme to combat hunger and the structural causes of poverty, which has a significant impact on the situation of women.

96. The Committee acknowledges the vibrant and catalytic role of women's non-governmental organizations with regard to gender equality issues. It also acknowledges the partnership between the Government and women's organizations in preparing the combined initial, second, third, fourth and fifth periodic report.

97. The Committee notes with appreciation that the State party has ratified the Optional Protocol to the Convention and has accepted the amendment to article 20, paragraph 1, of the Convention, relating to the Committee's meeting time.

Principal areas of concern and recommendations

98. The Committee expresses concern about the wide gap between the constitutional guarantees of equality between women and men and the present de facto social, economic, cultural and political situation of women in the State party, which widened with respect to women of African descent and indigenous women.

99. **The Committee requests the State party to ensure full implementation of the Convention and constitutional guarantees through comprehensive legislative reform to provide for de jure equality and to establish a monitoring mechanism to ensure that the laws are fully implemented. It recommends that the State party ensure that those who are responsible for implementing such laws at all levels be made fully aware of their content.**

100. The Committee notes with concern that, while international treaties to which Brazil is a party have become part of domestic law, there is disagreement in the judiciary as to the legal doctrine regarding the status of such international treaties and their direct applicability.

101. **The Committee recommends that awareness-raising and sensitization of the judiciary and other law enforcement authorities be undertaken to alter the predominant view of the status of international treaties in the hierarchy of Brazilian law.**

102. The Committee is concerned that sharp economic and social regional disparities, particularly in access to education, employment and health care, are posing difficulties in ensuring uniform implementation of the Convention throughout the country.

103. **The Committee recommends to the State party that it ensure uniformity of results in the implementation of the Convention in Brazil, not only at the federal level, but also at the State and municipal levels, through effective coordination and the establishment of a mechanism to monitor compliance with the provisions of the Convention at all levels and in all areas.**

104. The Committee is concerned that the Penal Code still contains several provisions that discriminate against women. It is concerned about articles 215, 216 and 219 that require the victim to be an "honest woman" in order to prosecute the perpetrator. It is also concerned that article 107 covering "crimes against custom" provide for mitigation of sentence when the perpetrator married his victim, or when the victim marries a third party. The Committee notes that the draft bills to amend the Penal Code are being discussed in the National Congress.

105. **The Committee calls upon the State party to give priority to amending the discriminatory provisions of the Penal Code without delay so as to bring the Code into line with the Convention and the Committee's general recommendations, in particular general recommendation 19 on violence against women.**

106. The Committee is concerned that, despite a Federal Supreme Court ruling in 1991, the judiciary sometimes continues to apply the defence of honour in cases of men accused of assaulting or murdering women. The Committee is concerned that such decisions lead to serious violations of human rights and have negative consequences for society, strengthening discriminatory attitudes towards women.

107. **The Committee recommends that the State party implement training and awareness-raising programmes to familiarize judges, prosecutors and other members of the legal profession with the Convention and its Optional Protocol. It also recommends that the State party implement sensitization activities addressed to the general public on the human rights of women.**

108. The Committee is concerned about the glaring persistence of stereotyped and conservative views, behaviour and images of the role and responsibilities of women and men, which reinforce women's inferior status in all spheres of life.

109. **The Committee recommends that policies be developed and that programmes directed at men and women be implemented to help ensure the elimination of stereotypes associated with traditional roles in the family and the workplace, and in society at large. It also recommends that the media be encouraged to project a positive image of women and of the equal status and responsibilities of women and men both in the private and public spheres.**

110. The Committee is concerned about the impact of poverty on Brazilian women of African descent, indigenous women, female heads of household and other

socially excluded or marginalized groups of women and about their disadvantaged position with respect to access to education, health, basic sanitation, employment, information and justice.

111. **The Committee urges the State party to ensure that its poverty eradication measures give priority attention to Brazilian women of African descent, indigenous women, female heads of household and other socially excluded or marginalized groups of women through adequately funded programmes and policies addressing their specific needs.**

112. While acknowledging the efforts made to address violence against women, including the early establishment of specialized police stations (DEAMS) and shelters, the Committee is concerned about the persistence of violence against women and girls, including domestic violence and sexual violence, the existing lenient punishments for offenders and the absence of a specific law on domestic violence. The Committee is further concerned that violence against women, including domestic violence and sexual violence, is not being sufficiently addressed owing to the lack of information and data.

113. **The Committee urges the State party to take all necessary measures to combat violence against women in conformity with the Committee's general recommendation 19 to prevent violence, punish offenders and provide services for victims. It recommends that the State party adopt without delay legislation on domestic violence and undertake practical measures to follow up and monitor the application of such a law and evaluate its effectiveness. It requests the State party to provide comprehensive information and data on violence against women in its next periodic report.**

114. The Committee is concerned about reports that indigenous women are being sexually abused by military units and prospectors (gold miners) on indigenous lands. The Committee notes that the Government is considering developing a code of conduct to regulate the presence of the armed forces on indigenous lands.

115. **The Committee calls upon the State party to take necessary measures to raise awareness of the situation of indigenous women and girls and ensure that sexual violence against them is prosecuted and punished as a grave crime. It also urges the State party to adopt preventive measures, including swift disciplinary inquiries and human rights education programmes for the armed forces and law enforcement personnel.**

116. The Committee is concerned at the increased rate of the various forms of sexual exploitation of and trafficking in women and girls in Brazil, both internally and across borders. It is particularly concerned about the participation of police personnel and their connivance in sexual exploitation and trafficking and about the impunity of abusers, aggressors, exploiters and traffickers as reported by the State party. The Committee notes a lack of sex-disaggregated data and insufficient information on the sexual exploitation of street children and adolescents.

117. **The Committee recommends the formulation of a comprehensive strategy to combat trafficking in women and girls, which should include prosecution and punishment of offenders and protection and support to victims. It recommends the introduction of measures aimed at eliminating women's vulnerability to traffickers, particularly young women and girls. It recommends that the State party enact anti-trafficking legislation and make the**

fight against trafficking in women and girls a high priority. The Committee requests the State party to include comprehensive information and data in its next report on the issue as well as on the situation of street children and adolescents and on policies adopted to address their specific problems.

118. While commending the recent appointment of five women ministers and noting the significance of the legal provisions adopting quotas for women's participation in elected bodies, the Committee remains concerned that women are still significantly underrepresented at all levels and instances of political decision-making. It is further concerned that implementation of the quotas is controversial and lacks efficacy.

119. **The Committee recommends the adoption of a comprehensive strategy to accelerate the participation of women in decision-making positions in political life, both in appointed and elected bodies, until a balanced representation of women and men was attained. The Committee recommends that non-compliance with the existing provisions aiming at a minimum and maximum percentage of each sex be duly sanctioned and that other effective means to support implementation be adopted.**

120. The Committee is concerned at the underrepresentation of women in qualified positions in some areas of professional and public life, such as the judiciary and external affairs, particularly at the highest echelons. It is also concerned that women's participation in high-ranking positions in economic life remains much lower than men's.

121. **The Committee recommends that proactive policies for women's increased participation at those levels be adopted and, when appropriate, temporary special measures in accordance with article 4, paragraph 1, of the Convention be taken to ensure women's real empowerment on equal terms with that of men.**

122. Although women's access to education has improved, the Committee is concerned at the high rate of illiteracy and the low percentage of women having education beyond primary school. It is further concerned at the persistence of gender segregation in educational fields and its consequences for professional opportunities. The Committee is also concerned that, even though teaching is a preponderantly female profession, women are underrepresented in higher education.

123. **The Committee recommends that proactive measures for women's access to all levels of education and teaching be strengthened, particularly for marginalized groups of women, and that diversification of educational and professional choices be actively encouraged for women and men.**

124. The Committee is concerned about discrimination against women in the labour market, where women earned significantly less than men in all states, irrespective of their skills or education. It is concerned that the poor conditions of employment of women, in general, including vertical and horizontal segregation, are compounded by race and ethnicity. The Committee is particularly concerned about the precarious situation of domestic workers, the vast majority of whom are denied rights that other categories of workers enjoy, such as mandatory limitation of the workday.

125. **The Committee recommends that measures be taken to guarantee implementation of article 11 of the Convention and the application of relevant International Labour Organization conventions, in particular those on non-**

discrimination in employment and equal remuneration for equal work and work of equal value for women and men. It recommends that measures be taken to eliminate occupational segregation, in particular through education and training. The Committee calls on the State party to bring all domestic workers within the bounds of its labour legislation.

126. The Committee is concerned at the high maternal mortality rate, particularly in the more remote regions where access to health facilities is very limited. The Committee is also concerned at the health condition of women from disadvantaged groups and at the high rate of clandestine abortion and its causes, linked to, among others, poverty, exclusion and a lack of access to information. The Committee is further concerned that, notwithstanding progress in relation to the control of HIV/AIDS, the number of infected women, particularly young women, had increased.

127. **The Committee recommends that further measures be taken to guarantee effective access of women to health-care information and services, particularly regarding sexual and reproductive health, including young women, women from disadvantaged groups and rural women. Those measures are essential to reduce maternal mortality and to prevent recourse to abortion and protect women from its negative health effects. It further recommends that programmes and policies be adopted to increase the knowledge of and access to contraceptive methods with the understanding that family planning is the responsibility of both partners. The Committee also recommends that sex education be widely promoted, particularly targeting adolescents, with special attention to the prevention and further control of HIV/AIDS.**

128. The Committee notes a lack of comprehensive data on rural women, including on race and ethnicity, as well as insufficient information on their overall situation.

129. **The Committee recommends that the State party generate comprehensive sex-disaggregated data, including data on race and ethnicity, that showed the evolution and impact of programmes on the country's rural women in its next periodic report.**

130. The Committee is concerned at the State party's use of the term "affirmative action" to describe some of its measures aimed at eliminating discrimination, rather than to describe temporary special measures aimed at accelerating equality.

131. **The Committee recommends that the State party, in devising policies for the achievement of gender equality, not only eliminate discrimination, but in line with article 4, paragraph 1, of the Convention adopt temporary special measures to accelerate the process of achieving equality.**

132. While appreciating the fact that the State party's views on the concept of "equity" take into account concrete unequal situations and lay the foundation for temporary special measures, the Committee notes that the terms "equality" and "equity" are used synonymously throughout the report in describing laws, policies, plans and strategies.

133. **The Committee recommends that the terms "equity" and "equality" not be used synonymously or interchangeably and that a clear understanding of the term equality, both formal and de facto, should underpin laws, policies, plans**

and strategies to ensure the State party's compliance with its obligations under the Convention.

134. **The Committee requests the State party to respond in its next periodic report, due in 2005, to the issues covered in the present concluding comments. It also requests the State party to improve the collection and analysis of statistical data, disaggregated by sex, age, race and ethnicity, and to report on the results of programmes and policies, planned and undertaken, in its next periodic report to the Committee.**

135. **Taking account of the gender dimensions of declarations, programmes and platforms for action adopted by relevant United Nations conferences, summits and special sessions (such as the twenty-first special session of the General Assembly for an overall review and appraisal of the implementation of the Programme of Action of the International Conference on Population and Development, the twenty-seventh special session of the General Assembly on children, the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Second World Assembly on Ageing), the Committee requests the State party to include information on the implementation of the aspects of those documents relating to relevant articles of the Convention in its next periodic report.**

136. **The Committee requests that the present concluding comments be widely disseminated in Brazil in order to make the people of Brazil, in particular government officials, judges and politicians, aware of the steps that had been taken to ensure the de jure and de facto equality of women and the further steps required in this regard. It also requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention on the Elimination of All Forms of Discrimination against Women, its Optional Protocol, the general recommendations of the Committee on the Elimination of Discrimination against Women and the Beijing Declaration and Platform for Action, as well as the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".**

3. Second periodic report

Morocco

137. The Committee considered the second periodic report of Morocco (CEDAW/C/MOR/2) at its 627th and 628th meetings, on 15 July 2003 (see CEDAW/C/SR.627 and 628).

Introduction by the State party

138. In introducing Morocco's second periodic report, the representative noted that the Convention was being implemented within the context of the country's culture, religion and civilization. Since 1993, a Ministry for human rights issues was responsible for overall coordination and the preparation and practical administration of laws and regulations at all levels. A governmental body responsible for issues related to the family and the situation of women had been established in 1998, and a ministerial commission headed by the Prime Minister monitored the implementation of the national strategy for the integration of women in development. A reform of

the Advisory Council on Human Rights in 2002 had in particular enhanced its role in eliminating discrimination against women, and the Council now had eight women members, out of a total of 41 members. One of the Council's working groups dealt with issues of the family and the situation of women. The Council had also gained the autonomy to handle all matters, including grievances, related to human rights. Another innovation was the creation of the Diwan al Madalim, which functioned as an Ombudsman to ensure respect for the rule of law and to redress any injustices that might be committed by the Administration.

139. The Constitution of Morocco recognized the primacy of international conventions to which Morocco was a party over domestic legislation although conventions could not, of course, take precedence over the Constitution itself without a prior amendment thereto. The Ministry for Human Rights had the task of ensuring that domestic legislation was in harmony with the country's international obligations, including the Convention on the Elimination of All Forms of Discrimination against Women. The Convention itself had been published in the Official Gazette in 2001, and implementation of the Committee's recommendations and comments on Morocco's initial report had been accorded great importance in the country. In the follow-up to the Fourth World Conference on Women, Beijing 1995, a plan of action for the integration of women in development had been prepared which focused on four priority themes: education, literacy and the culture of equality; reproductive health; the economic integration of women; and the improvement of women's legal and political situation. Furthermore, efforts were under way to reform the country's Personal Status Code.

140. Turning to the report, the representative noted that all relevant departments had contributed to its preparation, and the views of civil society had also been considered.

141. The representative drew attention to the legislative measures in place against prostitution and trafficking in women. The penal code prohibited prostitution and established prison penalties ranging from 6 months to 5 years. The Government, civil society and the media had undertaken awareness-raising and sensitization measures, particularly within the most vulnerable sectors of the population, to address the dangers of prostitution and trafficking. The Government also undertook efforts to improve the living conditions of disadvantaged social groups and focused particular attention on providing assistance to women victims of prostitution. Morocco had ratified a number of international conventions related to trafficking, including the United Nations Convention against Transnational Organized Crime and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

142. According to the Constitution, women and men enjoyed political rights on a basis of equality. Women participated fully in elections, frequently accounting for 50 per cent of the electorate. The representative noted that while considerable efforts had been undertaken by governmental and non-governmental actors to increase and strengthen women's participation in the political arena and in civil service, women's representation in decision-making posts remained unsatisfactory. To address this issue, in 1998 the Prime Minister had instructed all Ministries to appoint women to decision-making positions and, in 2001, members of Government had been invited to report on the measures taken in this regard. The representative noted various developments in 2002: the diversity of decision-making posts allocated to women

had increased, and a new law had been adopted, which reserved 30 seats for women in the House of Representatives. Subsequently, 35 women had been elected in the country's legislative elections of 2002.

143. The Nationality Code conferred equal rights to men and women with regard to the acquisition, change or retention of nationality. The representative noted, however, that the Code did not allow Moroccan women to transfer their nationality to their non-Moroccan spouses, or to automatically confer their nationality to children born to foreign fathers. The representative indicated that the Parliament of Morocco was currently considering a bill to allow Moroccan women the right to transfer nationality to their children.

144. The country's laws guaranteed the equal rights of boys and girls to education. Education was compulsory for all children above 6 years of age, and free in all types of public education. The high illiteracy and school drop-out rates in rural areas, particularly among young girls, was a major challenge faced by the Government. Various ministries, including the Ministry for Youth and Sports, were taking concrete measures to combat these problems. The representative noted that school attendance, however, was linked to socio-economic conditions and the existence of infrastructure, such as roads and hospitals.

145. The representative indicated that a National Education and Training Charter, established in 1999, was the current frame of reference for education policy and had set challenging goals in that area. He also indicated that a 1994 partnership agreement between the Ministry of National Education and the Ministry for Human Rights aimed to combat stereotyped gender roles in society through the development and dissemination of a culture of human rights through the education system. Seminars and training courses on human rights had been set up in this regard.

146. The representative indicated that Moroccan legislation guaranteed non-discrimination and equal opportunities for women and men in employment and in the exercise of their functions. The only restrictions for women in this area were related to professions that were considered dangerous or harmful to their health or to their role and responsibilities as mothers. The representative noted that women had been increasingly participating in traditionally male-dominated professions. The Government had recently adopted a new Labour Code, which prohibited any form of discrimination, as well as a new law on medical coverage, which provided compulsory medical coverage for all salaried workers and pensioners. Morocco had ratified a number of international conventions and instruments affirming the principles of equality and non-discrimination in employment.

147. The representative indicated that the maternal mortality rate, which remained high despite its decline in recent years, was a source of concern for the Government. As a result of the measures undertaken by the Ministry of Health to implement the national programmes on family planning, 3 out of 5 married women were currently using some form of contraception.

148. The issue of violence against women was another source of concern for the Government. The national strategy on violence against women outlined a number of measures to be taken, including the criminalization of various forms of violence against women as violations of human rights; the development of innovative approaches to effectively intervene and provide treatment to women victims of violence; and the establishment of adequate databases to promote the scientific

study and research of gender-based violence. The national strategy also outlined seven areas of strategic action on violence against women, including the reform and harmonization of laws and regulations; education, awareness-raising and communication; as well as research and partnership development. Amendments to the penal code criminalized various forms of violence, including sexual harassment. These developments were reinforced by the promulgation of the new Labour Code, which protected women from all violations of their physical or moral integrity.

149. In concluding the representative indicated that the Government welcomed the opportunity to dialogue with the Committee as an important means of identifying proposals and measures to improve the situation of Moroccan women and further eliminate discrimination against women in Morocco.

Concluding comments of the Committee

Introduction

150. The Committee expresses its appreciation to the State party for submitting its second periodic report. It commends the State party for the written replies to the issues raised by the pre-session working group and the oral presentation, which provided additional information on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women in Morocco.

151. The Committee commends the State party for its delegation headed by the Permanent Representative of the Kingdom of Morocco to the United Nations and appreciates the frank and constructive dialogue that took place between the delegation and the members of the Committee.

152. The Committee notes that declarations have been made by the State party to article 2 and article 15, paragraph 4; and that reservations have been made to article 9, paragraph 2, article 16 and article 29 of the Convention.

Positive aspects

153. The Committee welcomes the fact that the State party acknowledges the precedence of international instruments over national legislation.

154. The Committee welcomes the State party's commitment to the implementation of the provisions of the Convention as reflected in a range of legal reforms such as the new Penal and Labour Codes, policies, plans and institutional arrangements. The Committee also welcomes the State party's ongoing cooperation with civil society, in particular with women's organizations.

155. The Committee welcomes the legislative changes and the voluntary quota system established by political parties to increase women's representation in the House of Representatives, which has led to a significant increase in the number of women elected during the last elections.

156. The Committee appreciates the fact that a Royal Commission has been established with the principal goal of revising the Personal Status Code. The Committee commends the State party for the draft bill on the nationality law which would give Moroccan women the right to pass on their nationality to their children on the same basis as men.

157. The Committee commends the State party for the establishment of the Ministry of Human Rights, which creates a positive environment for the protection and promotion of human rights. It welcomes the publication of the Convention in the official gazette in 2001 and the efforts made to integrate human rights principles in textbooks and curricula.

Principal areas of concern and recommendations

158. While appreciating that some progress has been made towards creating an environment for the withdrawal of the declarations made by the State party to article 2, article 15, paragraph 4, and the reservations made to article 9, paragraph 2, article 16 and article 29 of the Convention, the Committee expresses its concern that those reservations continue to be retained.

159. **The Committee urges the State party to expedite the necessary steps for the narrowing and ultimate withdrawal of its declarations and reservations to the Convention.**

160. The Committee is concerned that although the Constitution guarantees equality before the law, it does not contain an explicit definition of the principle of equality between women and men or of discrimination on the basis of sex. The status of international instruments, including the Convention, with respect to the Constitution and national law has not yet been clarified.

161. **The Committee encourages the State party to incorporate the principle of equality between women and men in the Constitution and to reflect fully the definition of discrimination contained in article 1 of the Convention in its national legislation. The Committee urges the State party to clarify the status of international conventions within its domestic legal framework and to ensure that the provisions of the Convention are fully reflected in all legislation.**

162. The Committee is concerned about the many remaining discriminatory provisions in the Personal Status Code, which sets different standards for women and men in issues related to marriage and family life; a different minimum age of marriage for women and men; restrictions for women in obtaining a divorce and the risk of repudiation. The law provides for a different age for guardianship of girls and boys and stipulates restrictions on women in becoming legal guardians of their children. A bill is still pending adoption by Parliament concerning a Moroccan woman's right to pass on her nationality to her children when she is married to a foreigner. The Committee is also concerned about the legal difficulties faced by single mothers.

163. **The Committee urges the State party to continue, and to expedite, the process of legislative reform within the framework of the Royal Commission on the Personal Status Code and to amend discriminatory provisions affecting women's rights within the family in relation to divorce and repudiation, legal guardianship and the age for guardianship in order to bring them into harmony with the Convention. The Committee urges the State party to take measures to raise the minimum age of marriage for women and men to 18 years, in line with the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child. The Committee urges the State party to expedite the adoption of the proposed bill on nationality and to withdraw its reservation concerning article 9,**

paragraph 2, of the Convention. The Committee urges the State party to ensure that laws with regard to the status of women in the family as well as single mothers affirm and incorporate the principle of gender equality and partnership between women and men and the full realization of women's human rights. The Committee encourages the State party to reform relevant existing laws in consultation with women's groups.

164. While welcoming the State party's efforts and achievements to increase women's political participation at the national level, the Committee remains concerned about the low rate of representation of women in decision-making positions in all spheres, particularly in political representation at all levels, the public and private sectors, the judiciary, the foreign service and academia.

165. **The Committee requests the State party to take effective and sustained measures to increase the political representation of women at all levels, taking into account article 4, paragraph 1, of the Convention. It also calls upon the State party to increase women's representation in decision-making positions in all spheres. The Committee also suggests that the State party offer support and leadership training programmes to women and carry out awareness-raising campaigns concerning women's participation in decision-making, including in the public and private sectors, the foreign service, the judiciary and academia.**

166. The Committee expresses its concern that traditional discriminatory practices and strong stereotypical attitudes persist about the roles and responsibilities of women and men in the family and society, negatively affecting women's enjoyment of their rights and impeding the full implementation of the Convention.

167. **The Committee urges the State party to increase its efforts to design and implement comprehensive awareness-raising programmes to foster a better understanding of equality between women and men at all levels of society with a view to changing stereotypical attitudes and negative cultural norms about the responsibilities and roles of women and men in the family and society. It also recommends that the media be encouraged to project positive images of women and the equal status and responsibilities of women and men in society.**

168. The Committee is concerned that there is a lack of specific legislation to eliminate violence against women and girls, including domestic violence, and violence against domestic workers.

169. **The Committee recommends that the State party expedite the adoption and implementation of a national strategy to combat violence against women. This would include the collection of sex-disaggregated data on all forms of violence, research into the extent of violence against women and girls including domestic violence and the adoption of specific legislation on domestic violence. In the light of its general recommendation 19, the Committee calls upon the State party to ensure that all forms of violence against women are prosecuted and punished adequately and that victims have immediate means of redress and protection. The Committee requests the State party to ensure the full sensitization and training of law enforcement officials, the judiciary and the public on all forms of violence against women and girls. The Committee also urges the State party to take steps towards the protection of domestic workers and to ensure that restrictions on child labour are enforced.**

170. While noting the efforts made by the State party to set concrete targets and develop a national strategy on education, the Committee notes with concern the continuing high levels of illiteracy of women and girls, in particular in rural areas.

171. **The Committee calls upon the State party to develop gender-sensitive measures to eradicate female illiteracy, in particular in rural areas, and to strengthen measures to create an environment that increases the enrolment and retention rates of girls in schools at all levels, through increased training and employment of teachers, the development of gender-sensitive educational materials and the monitoring and evaluation of progress achieved towards time-bound targets.**

172. Although progress has been made in reducing maternal and infant mortality rates and in increasing access to means of family planning, the Committee is concerned about the insufficient number of health-care facilities and particularly about the situation of rural women who have little or no access to health-care services and health-care professionals.

173. **The Committee calls upon the State party to increase women's access to primary health-care services, including reproductive health care, particularly for rural women, and to further increase access to affordable means of family planning for women and men. It also calls upon the State party to increase awareness campaigns on the importance of health and reproductive rights, including information on the spread of sexually transmitted diseases (STDs), including the human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS).**

174. The Committee notes the absence of information on the situation of women in the informal sector and is concerned about the low level of women's participation in the paid labour force and about the persistent wage gap between women and men. The Committee notes also with concern that women are discriminated against in their access to loans and other forms of financial support as well as in the enjoyment of their right to property.

175. **The Committee urges the State party to adopt appropriate measures to ensure women's equal access to paid employment, to adopt and enforce appropriate legislation according to its commitments to the relevant conventions of the International Labour Organization to ensure equal opportunities for women and men in the public and private sectors of the labour market, and to prevent direct and indirect discrimination in employment, training and remuneration. The Committee also calls on the State party to ensure that women, particularly in rural areas, have full and equal access to loans and other forms of financial support and that they face no obstacles in the enjoyment of their right to ownership of land.**

176. The Committee notes that, although they constitute a large proportion of the population, rural women and girls continue to be marginalized in their access to government services.

177. **The Committee urges the State party to take special measures to ensure that the needs and concerns of rural women are fully integrated in the formulation and implementation of all sectoral policies and programmes and to ensure that rural women and girls have full access to education and health-care facilities.**

178. The Committee notes the slow progress in the implementation of the Convention by the State party and the modest responses to the Committee's concluding comments presented after the discussion of the State party's initial report. The Committee also notes the persistence of societal attitudes that discriminate against women and girls. Consequently, the combined effects of high illiteracy rates for women and girls, low representation of women in decision-making positions and a low employment rate for women negatively affect the impact of the national policies for gender equality.

179. **The Committee encourages the State party to expedite the implementation of the Convention, the concluding comments of the Committee and the national strategy for the achievement of gender equality and to strengthen its efforts to change societal attitudes in order to eliminate discrimination against women and girls. The Committee encourages the State party to establish a national mechanism with sufficient human and financial resources to strengthen cooperation and partnership between the Government and civil society, including women's organizations.**

180. **The Committee urges the State party to sign and ratify the Optional Protocol to the Convention and also invites the State party to accept the amendment to article 20, paragraph 1, of the Convention, concerning the meeting time of the Committee.**

181. **The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report to be submitted under article 18 of the Convention in 2006 as a combined third periodic report, due in 2002, and fourth periodic report, due in 2006. The Committee also requests the State party to improve the collection and analysis of statistical data, disaggregated by sex and age, and to report on the results of programmes and policies, planned and undertaken, in its next periodic report to the Committee.**

182. **Taking account of the gender dimensions of declarations, programmes and platforms for action adopted by relevant United Nations conferences, summits and special sessions (such as the special session of the General Assembly to review and appraise the implementation of the Programme of Action of the International Conference on Population and Development (the twenty-first special session), the special session of the General Assembly on children (the twenty-seventh special session), the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Second World Assembly on Ageing), the Committee requests the State party to include information on the implementation of aspects of those documents relating to relevant articles of the Convention in its next periodic report.**

183. **The Committee requests the wide dissemination in Morocco of the present concluding comments in order to make the people of Morocco, and particularly government administrators and politicians, aware of the steps that have been taken to ensure de jure and de facto equality for women and the future steps required in that regard. It also requests the Government to continue to disseminate widely, in particular to women's and human rights organizations, the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol; the general recommendations of the Convention on the Elimination of All Forms of Discrimination against Women,**

the Beijing Declaration and Platform for Action; and the results of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace in the twenty-first century".

4. Second and third periodic reports

Slovenia

184. The Committee considered the second and third periodic reports of Slovenia (CEDAW/C/SVN/2 and CEDAW/C/SVN/3) at its 620th and 621st meetings, on 10 July 2003 (see CEDAW/C/SR.620 and 621).

Introduction by the State party

185. In introducing the second and third periodic reports, the representative of Slovenia informed the Committee that the processes for ratifying the Optional Protocol to the Convention, and for accepting the amendment to article 20, paragraph 1, of the Convention, were well under way.

186. The representative of Slovenia said that the Committee's concluding comments on Slovenia's initial report had been powerful tools in influencing legislative and gender equality policy processes, and had been translated, published and widely disseminated in the country. Ministries and government offices had been instructed to implement the Committee's suggestions and recommendations, and to introduce new measures, where necessary, for the full realization of the Convention. Along with those comments, the Convention itself and the Optional Protocol, as well as the outcomes of the Fourth World Conference on Women and the special session of the General Assembly held in 2000, had been used to challenge the existing gender-specific division of labour, power and responsibilities. While civil society organizations had been invited to contribute to the second report, time constraints had prevented the inclusion of non-governmental organizations in the recent reporting process.

187. The country's current general conditions did not differ significantly from those that had prevailed at the time of the consideration of the initial report by the Committee in 1997. Public and political life remained male-dominated areas. Women held the same number of seats in the National Assembly following the national elections of 2000 as they had in 1993. After changes in government in 2002, three women now held ministerial portfolios, representing 18.7 per cent of the executive power. Women remained underrepresented at the local level. Following the 2002 elections, only 11 out of 193 municipalities were headed by women mayors, and women had been elected to 13 per cent of seats on municipal councils. The principle of gender-balanced participation had only been realized in the Constitutional Court: four out of nine judges were women, as was its President.

188. With regard to national machineries for the advancement of women, the representative of Slovenia informed the Committee that the parliamentary working group responsible for the advancement of women and gender equality had not been re-established after the national elections of 2000. However, the National Assembly had adopted, in 2002, a special provision guaranteeing the non-sexist use of language in legislation. On the other hand, the Government's Office for Equal Opportunities (formerly the Women's Policy Office), responsible for the

advancement of women and gender equality, had been strengthened, including by the adoption of the Act on Equal Opportunities for Women and Men. Among the Office's important new tasks was to consider proposed acts and measures from a gender equality perspective and to issue opinions on them prior to their adoption by the Government. An Advocate for Equal Opportunities for women and men would hear cases of alleged unequal treatment. In addition, each minister had appointed a coordinator on equal opportunities for women and men. While the Office now enjoyed a certain level of autonomy, that might come to an end in the current process of reform of State institutions.

189. Positive legislative changes for the elimination of gender-based discrimination included the Act on Equal Opportunities for Women and Men, which had introduced a legal basis for the use of temporary special measures to promote equality between women and men; the Employment Relationships Act; and the Parental Leave and Family Income Act.

190. Violence against women and trafficking in women and children for sexual exploitation had received special attention in recent years, including at national meetings, seminars and conferences, and in campaigns for zero tolerance of violence against women. Measures had been taken to train educators, and a special commission to prevent violence in schools had been established in 2003 under the auspices of the Ministry of Education, Science and Sports. New provisions incorporating the definition of trafficking contained in the Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United Nations Convention against Transnational Organized Crime were under discussion. While no action plan against trafficking in human beings had yet been adopted, the Government and non-governmental organizations had taken steps to address that issue in all its dimensions, particularly with regard to prevention and assistance to victims. The adopted amendments to the Act on Breaches of Public Order and Peace had removed the definition of prostitution as a misdemeanour, as well as its possible penalty of imprisonment.

191. Equal educational opportunities for both sexes had been one of the principles of curriculum reform. Statistical data for 2000-2001 indicated that women prevailed among primary and secondary school teachers, although their representation was lower among principals and their assistants. The share of female students in secondary schools and universities had increased slightly in the reporting period, and was now higher than that of men. Women predominated among those with master's degrees and the gender gap had nearly closed at the doctoral level. Several measures had been implemented to ensure access to schools for rural children, including the creation of State-funded dormitories for secondary school students.

192. The representative of Slovenia stressed that employment legislation now placed greater prominence on providing equal opportunities for women and men. The new Employment Relationships Act of 2003 represented a major achievement as it guaranteed equal opportunities and equal treatment of women and men in employment, promotion, training, education, retraining, pay and other remuneration, bonuses, absence from work, and working conditions and time. The legislation guaranteed equal pay for equal work or work of equal value; prohibited direct and indirect discrimination and placed the burden of proof on the employer in cases involving gender discrimination; and obligated employers to ensure a working environment free of sexual harassment. The Act on Parental Care and Family

Income was also an important step as it introduced the non-transferable right to paternity leave.

193. While the general policy for women's health had not improved, certain data showed progress in women's reproductive health. New national guidelines for preventive reproductive health programmes had been adopted in 2002. A decline in the number of legal abortions, which was attributed to changing behaviour patterns within the population, was a positive achievement. New legislation on infertility treatment, however, denied this right to single women.

194. Research conducted in 1997 indicated that farm and rural women were often too overburdened by their work to participate in society and in public life. They were also rarely members of political parties.

195. In closing, the representative of Slovenia commented that mapping of the status of women in Slovenia clearly reflected both positive and negative aspects. The Committee's conclusions and recommendations would contribute to the development and implementation of gender equality policy in Slovenia.

Concluding comments of the Committee

Introduction

196. The Committee commends the State party for its second and third periodic reports, which complied with the Committee's guidelines for the preparation of reports.

197. The Committee commends the State party for its delegation, which was headed by the Director of the Governmental Office for Equal Opportunities, and expresses appreciation for the written replies to the issues raised by the pre-session working group and for the State party's frank oral presentation, which provided additional information on the current situation with regard to the implementation of the Convention in Slovenia.

198. The Committee welcomes the information that the process for ratification of the Optional Protocol and acceptance of the amendment to article 20, paragraph 1, of the Convention are under way.

Positive aspects

199. The Committee commends the State party for adopting new laws in support of the goal of gender equality, including the Act on Equal Opportunities for Women and Men, which, inter alia, introduces a legal basis for the elaboration of temporary special measures to promote de facto equality between women and men; the Employment Relationships Act, which provides for equal opportunities and equal treatment of women and men in employment; the Parental Care and Family Income Act, providing parental leave for fathers; and the special provision guaranteeing non-sexist use of language in legislation.

200. The Committee notes with satisfaction the high percentage of female students in particular in postgraduate studies. The Committee also notes with satisfaction that four out of nine judges on the Constitutional Court are women and that women make up a large share of judges on other courts.

201. The Committee welcomes the introduction by the State party of the compensatory alimony scheme which provides compensation for children in the event that those liable to pay alimony fail to do so. The Committee also welcomes the efforts to encourage women's entrepreneurship.

Principal areas of concern and recommendations

202. While noting the steps taken to promote gender equality, particularly legislative reforms, the Committee is concerned at the slow progress in preventing and eliminating de facto discrimination against women.

203. **The Committee requests the State party to strengthen its efforts to ensure de facto equality of women. The Committee requests the State party to provide in its next report an assessment of the implementation, and the results regarding gender equality, of all laws, policies, plans and programmes and other measures taken to eliminate discrimination against women in all areas of their lives.**

204. While welcoming the efforts of the Government Office for Equal Opportunities, the Committee expresses its concern that the national machinery for the advancement of women does not have sufficient visibility, power or financial and human resources to promote effectively the advancement of women and gender equality. The Committee is concerned about the lack of streamlined procedures for ongoing, regular cooperation between the Government Office for Equal Opportunities and the gender equality coordinators at the ministries. The Committee is concerned that the possible restructuring of the Government Office for Equal Opportunities, placing it under the Ministry of Labour, Family and Social Affairs, could reduce its importance and have negative implications on its ability to carry out its many tasks, including those that were delegated to the Office by the recently adopted Act on Equal Opportunities for Women and Men.

205. **The Committee recommends that the State party reconsider the proposal to restructure the Government Office for Equal Opportunities, and instead strengthen the existing national machinery in order to make it more effective by providing it with adequate visibility, power and human and financial resources at all levels and by enhancing its capacity to coordinate and monitor actions at the national and local levels for the advancement of women and the promotion of gender equality. It also recommends that the gender mainstreaming capacity of all ministries, policies and programmes be strengthened and that the ongoing, regular cooperation between the Government Office for Equal Opportunities and the gender equality coordinators at the ministries be streamlined.**

206. The Committee expresses concern about the incidence of violence against women, including domestic violence. It is concerned that there is a lack of systematic data collection and research on violence against women, in particular domestic violence. The Committee expresses concern at the light penalties for crimes of violence against women under the Penal Code and that no specific legislation has been enacted to combat domestic violence.

207. **In the light of its general recommendation 19, the Committee urges the State party to place high priority on putting in place comprehensive measures to address violence against women in the family and in society, including**

quantitative and qualitative research, and to recognize that such violence, including domestic violence, constitutes a violation of the human rights of women under the Convention. The Committee calls upon the State party to adopt legislation on domestic violence and to ensure that violence against women is prosecuted and punished with the required seriousness and speed. Women victims of violence should have immediate means of redress and protection, including protection orders and access to legal aid. The Committee recommends that measures be taken to provide accessible shelters for women victims of violence in sufficient number and with adequate funding, and to ensure that public officials, especially law enforcement officials, the judiciary, health-care providers and social workers, are fully sensitized to all forms of violence against women and trained to handle such situations adequately. The Committee recommends that the State party devise a structure for systematic data collection on violence against women, including domestic violence. The Committee invites the State party to undertake awareness-raising measures through the media and public education programmes to make such violence socially and morally unacceptable.

208. The Committee is concerned about the problem of trafficking in women and girls in Slovenia and about the lack of detailed data and information on the phenomenon as well as the lack of a comprehensive strategy to combat it.

209. **The Committee recommends the adoption and implementation of a comprehensive strategy to combat trafficking in women and girls, which should include measures of prevention, the prosecution and punishment of offenders and increased international, regional and bilateral cooperation. It recommends the introduction of social support for women and girls who have been victims of trafficking. It further recommends that training of border police and law enforcement officials provide them with the requisite skills to recognize and provide support for victims of trafficking. The Committee requests the State party to provide in its next report comprehensive information and data on trafficking in women and girls and on the measures taken to combat the phenomenon.**

210. While welcoming the efforts made to encourage women's participation in political and public life, including provisions in the Act on Equal Opportunities for Women and Men and the proposed draft constitutional amendment to encourage equal opportunities between women and men with regard to standing as candidates in elections, and noting the high level of women's educational achievement, the Committee is concerned about the low representation of women in elected and appointed bodies, including the National Assembly, executive bodies of the Government and local government bodies.

211. **The Committee urges the State party to adopt the proposed draft constitutional amendment to encourage equal opportunities between women and men, and to strengthen and implement measures to increase the representation of women in elected and appointed bodies through, inter alia, the implementation of temporary special measures, in accordance with article 4, paragraph 1, of the Convention, in order to realize women's right to participation in all areas of public life, particularly at high levels of decision-making. The Committee recommends that the State party increase its efforts in offering or supporting training programmes for current and future women**

leaders and carry out awareness-raising campaigns regarding the importance of women's equal participation in political decision-making.

212. While welcoming the adoption of the Employment Relationships Act, the Committee expresses concern about the situation of women in the labour market, including the strong vertical and horizontal segregation and wage differentials between women and men, in particular in companies and businesses. The Committee is particularly concerned that women's high educational levels do not seem to result in commensurate opportunities and success in the labour market. The alarmingly high and growing unemployment rate of young female first-job seekers is also a particular concern for the Committee.

213. **The Committee urges the State party to ensure equal opportunities for women and men in the labour market through, inter alia, temporary special measures in accordance with article 4, paragraph 1, of the Convention. The Committee recommends that the State party design and implement special training and retraining programmes for unemployed women. It also recommends that effective measures allowing for the reconciliation of family and professional responsibilities be strengthened and that the sharing of domestic and family responsibilities between women and men be promoted. The Committee requests the State party to provide in its next report information on the implementation of the Employment Relationships Act and other measures in the area of employment, and their impact on women, including an analysis of the efforts of the relevant monitoring bodies.**

214. The Committee is concerned at the high maternal mortality rate in Slovenia.

215. **The Committee recommends that the State party take urgent measures to reduce the maternal mortality rate, in consultation with the World Health Organization, as necessary. The Committee requests the State party to provide in its next report an assessment of such measures.**

216. The Committee is concerned about the persistence of traditional stereotypes regarding the role and responsibilities of women and men in the family and in society at large.

217. **The Committee urges the State party to strengthen measures to eradicate traditional sex role stereotypes in the family, in employment, in politics and in society. The Committee recommends that the State party encourage the mass media to promote cultural changes with regard to the roles and responsibilities attributed to women and men, as required by article 5 of the Convention.**

218. While noting that the State party's efforts to promote gender equality appear to be oriented primarily towards the framework of European Union provisions, the Committee is concerned that the Convention has not been given central importance as a legally binding human rights instrument and basis for the elimination of all forms of discrimination against women and the advancement of women.

219. **The Committee urges the State party to base its efforts to achieve gender equality on the wide scope of the Convention, as a legally binding human rights instrument. It therefore urges the State party to take proactive measures to raise awareness about the Convention, in particular among parliamentarians, the judiciary and the legal profession.**

220. While welcoming the State party's recognition of the important role of non-governmental organizations working on women's issues, the Committee notes with concern that the State party seems to rely too heavily on such organizations in connection with the implementation of the Convention.

221. **While encouraging the State party to involve non-governmental organizations in all stages of the implementation of the Convention, including policy-making on a regular basis and in a structured way, the Committee emphasizes the State party's obligations under the Convention and urges it to ensure that implementation of the Convention is fully integrated into its overall governmental responsibilities.**

222. The Committee is concerned about the situation of older women, particularly in rural areas, and minority women, in particular Roma women, and about the lack of statistical data on their status.

223. **The Committee requests the State party to provide in its next report disaggregated data and information on the situation of older women, especially in rural areas, and on the situation of minority women, particularly Roma women, including with regard to employment, social security, education and health and on measures taken in this regard.**

224. **The Committee encourages the State party to accept the amendment to article 20, paragraph 1, of the Convention, concerning the meeting time of the Committee, without delay.**

225. **The Committee encourages the State party to ratify the Optional Protocol to the Convention without delay.**

226. **The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report, due in 2005, to be submitted under article 18 of the Convention. It also requests that the report address the general recommendations of the Committee and provide information on the impact of legislation, policies and programmes designed to implement the Convention.**

227. **Taking account of the gender dimensions of declarations, programmes and platforms for action adopted by relevant United Nations conferences, summits and special sessions (such as the special session of the General Assembly to review and appraise the implementation of the Programme of Action of the International Conference on Population and Development (the twenty-first special session), the special session of the General Assembly on children (the twenty-seventh special session), the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Second World Assembly on Ageing), the Committee requests the State party to include information on the implementation of aspects of these documents relating to relevant articles of the Convention in its next periodic report.**

228. **The Committee requests that the present concluding comments be widely disseminated in Slovenia in order to make the people of Slovenia, in particular government officials and politicians, aware of the steps that have been taken to ensure the de jure and de facto equality of women and the further steps required in this regard. It also requests the State party to continue to disseminate widely, in particular to women's and human rights organizations,**

the Convention, its Optional Protocol, the Committee's general recommendations and the Beijing Declaration and Platform for Action, as well as the results of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

5. Combined third and fourth report and fifth periodic report

France

229. The Committee considered the combined third and fourth report and the fifth periodic report of France (CEDAW/C/FRA/3, CEDAW/C/FRA/3-4/Corr.1 and CEDAW/C/FRA/5) at its 614th and 615th meetings, on 3 July 2003 (see CEDAW/C/SR.614 and 615).

Introduction by the State party

230. In introducing the third and fourth and the fifth periodic reports, covering the years from 1993 to 2002, the representative of France highlighted the new orientations followed since April 2002 in the implementation of the Convention, noting the Government's commitment to the respect of national, European and international law.

231. Established within the Subministry of Social Affairs, Labour and Solidarity, the Ministry for Parity and Equal Opportunity, with its central office and network of regional and local, as well as departmental focal points, collaborated closely with a number of other ministries and also with parliamentary delegations. It presided over three consultative structures — the supreme council for professional equality, the supreme council of sexual information, regulations of birth and women's education, and the national commission to combat violence — as well as the Observatory for Parity, established in 1995 by the Head of State.

232. With regard to the definition of equality and non-discrimination, the Labour Code had been amended to include the concept of indirect discrimination in French law, in line with relevant directives of the European Union, and the Penal Code had been amended accordingly. A European directive of 2002 concerning implementation of the principle of equal treatment between women and men in access to employment, education, career advancement and conditions of work provided the basis for a qualitative understanding of equality.

233. The question of parity in decision-making, especially in political life had been an issue of intense debate in recent years. A revision of the Constitution of 1999 enshrined the principle of equal access of women and men to elected offices and posts. This was followed by a law of 2000, which made France the first country to opt for parity of 50 per cent candidates of each sex. While in municipal elections of March 2001 women achieved 47.5 per cent of counsellors seats at the local level, only 6.6 per cent of mayors of these local districts were women. In senatorial elections in 2001, women's share rose to 21.5 per cent. However, elections for the Legislative in 2002 resulted in only 12.3 per cent women being elected. Measures were now being considered to encourage political parties to work towards improving this situation, and an evaluation report would be submitted to Parliament in 2003. Furthermore, all ministries worked towards the achievement of parity in the civil

service, supported by measures such as action plans and parity committees, to improve women's access to higher-level positions.

234. Stereotypes and degrading images of women remained an issue of ongoing concern. Current legislation prohibited incitement of discrimination, hate or violence against a person or a group of persons on a number of grounds, but did not prohibit incitement to discrimination on the basis of sex. Discussions on a possible measure in this regard had been initiated with relevant ministries and media representatives.

235. The representative noted that France had ratified the Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children in 2002. The subsequent domestic security law of 2003 created the new crime of trafficking in human beings. Based on previous work in support of victims of trafficking and of sexual exploitation, the new law provided for issuance of a temporary residence permit to victims of trafficking bringing a case, or testifying, against a person accused of pimping. The new law was one of the most severe laws in Europe with regard to the exploitation of prostitution. It was complemented by an inter-ministerial action programme to combat trafficking and the sexual exploitation of human beings, and focused on prevention, repression and social reintegration.

236. Action for women's and girls' education was based on an inter-ministerial agreement, adopted in 2000, for the promotion of equality of opportunity between women and men, girls and boys, and focused on three areas: improvement of educational and professional choices; strengthening of mechanisms to promote equality; and promotion of an educational system based on mutual respect between the two sexes, and including the fight against all forms of discrimination and violence. New initiatives focused in particular on efforts to improve women's participation in scientific areas.

237. The representative noted that despite significant progress achieved by women in the area of employment, and the fact that women constituted 45.9 per cent of the total workforce, inequalities still existed as women continued to be underrepresented especially in highly skilled and highly qualified professions, and women's unemployment rate was proportionately higher than men's. Legislation and other measures aimed at enhancing the social dialogue towards greater equality in work and professional life for women were in place, and particular attention would be given to negotiations among the social partners in the area of equal opportunities, lifelong learning, and the organization of work. Public policy aimed to combat women's long-term unemployment, and steps had been taken to support women's entrepreneurship. The law prohibiting night work for women had been revised, bringing it in line with European and international law, and legislation against sexual harassment was also in place.

238. Another area of concern to the Government was violence against women. Based on the results of a nationwide survey commissioned by the Government and conducted in 2000, a comprehensive triennial plan of action had been launched, including awareness raising and financial support for victim support organizations. Sanctions were in place in penal and civil law, and gendarmerie and judicial processes supported the rights of victims, especially in situations of domestic violence and spousal abuse. Recent measures aimed in particular at combating violence against young immigrant women, and at reinforcing their access to justice.

239. The representative noted that France's health policy aimed at the integration of a gender perspective, and with equality between women and men being one of the objectives. This approach required attention to health concerns that were particular to women, such as pregnancy, delivery, feminine cancer or menopause, as well as to general health concerns of growing importance to women, such as AIDS, drug addiction and cigarette smoking. In the area of reproductive health, priority was given to preventing unwanted pregnancies. As the high rate of teenage pregnancies was a serious concern, great emphasis was placed on enhancing sex education and information about contraception aimed at adolescents and young immigrant women. A legislative change of 2001 had increased the legal period for voluntary interruption of pregnancy (VIP) from 10 to 12 weeks, improved information for women, and took into account specific needs of minors.

240. Legislation of 1999 and 2001 had contributed to the improvement of the situation of rural women, especially in regard to their pension rights. The Ministry of Agriculture was implementing a programme "Women, education and work in the rural area" to improve equality between women and men in rural areas.

241. A law of 2002 had enshrined the concept of shared parenthood in the Civil Code, providing for equal rights and responsibilities between parents in the education of their child. As a consequence, the representative announced the intention of France to withdraw its reservations to articles 5 (b) and 16, paragraph 1 (d), of the Convention. The reconciliation of family and professional responsibilities remained at the centre of the question of equality, especially as women continued to be overwhelmingly responsible for household and caring work. Measures such as paid parental leave for fathers, family and parental support services, and more flexible work schedules aimed to support the sharing of such responsibilities.

242. In concluding, the representative noted that among the challenges ahead was the need to close the gap between de jure equality and women's actual enjoyment of equality, and to establish a modern, parity democracy where women had the same rights and opportunities as men. In this regard, the integration of young immigrant women, the eradication of violence against women, and the fight against trafficking in women for sexual exploitation, as well investment in the young generation, and involvement of young women in the technology sector would be the focus of attention.

Concluding comments of the Committee

Introduction

243. The Committee commends the State party for preparing and presenting its combined third and fourth periodic report and its fifth periodic report, which are in accordance with the Committee's guidelines for the preparation of periodic reports. It also commends the State party for the written replies to the issues and questions raised by the Committee's pre-session working group.

244. The Committee congratulates the State party for its high-level delegation headed by the Minister for Parity and Equal Opportunity. The Committee appreciates the frank and constructive dialogue that took place between the delegation and the members of the Committee.

245. The Committee notes the stated intention of the State party to lift its reservations to articles 5 (b) and 16, paragraph 1 (d), of the Convention.

Positive aspects

246. The Committee welcomes the State party's accession, in June 2000, to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and the acceptance, in August 1997, of the amendment to article 20, paragraph 1, relating to the Committee's meeting time.

247. The Committee warmly welcomes the constitutional amendment adopted in June 1999 and the Act of 6 June 2000 (the Parity Act), which establish the principle of equal access for men and women to electoral mandates and elective posts, as a way to achieve balanced participation of men and women in political life.

248. The Committee commends the State party for preparing the yellow budget paper, to be used as a tool for analysing the State's budgetary activities with respect to achieving equality between men and women within each ministry.

249. The Committee commends the State party for adopting Act No. 2002-305 concerning parental authority, which sets out to apply a concept of co-parenting based on the three principles of equality between parents, equality between children, and the child's right to her or his two parents.

250. The Committee commends the State party for its efforts to create a national council on equality, expected in 2003, which would bring together representatives of Government and civil society in order to formulate policies on gender equality and the advancement of women.

Principal areas of concern and recommendations

251. While welcoming the State party's stated intention to lift its reservations to articles 5 (b) and 16, paragraph 1 (d), to the Convention, the Committee is concerned that the State party has not expressed its intention to withdraw its reservations to articles 14, paragraphs 2 (c) and (h), and 16, paragraph 1 (g), of the Convention.

252. **The Committee urges the State party to expedite the steps necessary for the withdrawal of all its reservations to the Convention.**

253. The Committee, while recognizing the implementation of a wide range of measures and programmes on gender equality, is concerned about the lack of monitoring and evaluation with regard to the impact and results of such measures and programmes.

254. **The Committee urges the State party to undertake systematic impact assessments of such measures and programmes and, on the basis of the insights gained, to improve them in the future.**

255. The Committee is concerned that, although according to article 55 of the Constitution the Convention has precedence over domestic law, there are no Court decisions that refer to the Convention.

256. **The Committee recommends that the State party implement measures to create awareness of the Convention and the Optional Protocol to the Convention among the judiciary, prosecutors and lawyers.**

257. The Committee expresses concern about the provision of insufficient sex-disaggregated statistical data in all areas covered in the report.

258. **The Committee recommends that the State party undertake a comprehensive compilation and analysis of sex-disaggregated data on the situation of women.**

259. The Committee expresses its concern that women are underrepresented in high-level positions in many areas, particularly in the civil service, the diplomatic service and academia.

260. **The Committee calls on the State party to take steps to facilitate increased access of women to high-level positions. It recommends the adoption of proactive measures to encourage more women to apply for high-ranking posts, and where necessary, to implement temporary special measures, as provided for in article 4, paragraph 1, of the Convention.**

261. While welcoming the adoption of legislative and regulatory measures on equal opportunity between men and women, the Committee expresses its concern that women continue to be overrepresented among the unemployed and in part-time and temporary jobs. It is also concerned about the continuing wage discrimination faced by women.

262. **The Committee calls upon the State party to intensify its measures to increase women's employment, to ensure that women have access to full-time and permanent jobs if they wish, and to promote equal pay for work of equal value.**

263. The Committee expresses concern about actual and potential poverty situations among older women on account of having experienced multiple forms of discrimination throughout their economically active years. It also expresses concern that the structuring of the welfare system might affect older women more negatively than men.

264. **The Committee recommends that the State party research the needs of older women and develop measures that adequately address their health, economic and emotional situation in order to avoid poverty and isolation. It also recommends that the State party take women's unpaid and paid employment patterns and family responsibilities into account when altering legal and policy measures in order to avoid discrimination of effect.**

265. The Committee is concerned that traditional customary practices, including polygamy, continue to exist in the French overseas territories, in contravention to the provisions of the Convention.

266. **The Committee urges the State party to strengthen the implementation of the Convention in the French overseas territories. It also urges the State party to disseminate information on the Convention and the Optional Protocol to the Convention in the French overseas territories.**

267. The Committee notes with concern that the minimum legal age of marriage is set at 15 for girls and 18 for boys.

268. **The Committee urges the State party to take measures to raise the minimum legal age of marriage for girls, in order to bring it into line with article 1 of the Convention on the Rights of the Child, which defines a "child"**

as anyone under the age of 18 years, and with article 16, paragraph 2, of the Convention on the Elimination of All Forms of Discrimination against Women.

269. While noting initiatives to eliminate stereotypes, the Committee is concerned that stereotypical attitudes persist.

270. **The Committee recommends that the State party intensify its efforts, including legislative measures to prevent the portrayal of negative and discriminatory images of women in the media, to change stereotypical images and discriminatory attitudes and perceptions about the roles and responsibilities of women and girls and men and boys in the family and in society.**

271. The Committee is concerned about the manner in which article 18 of the Internal Security Act is implemented with regard to passive soliciting, as its implementation may affect women who are not engaged in passive soliciting.

272. **The Committee urges the State party to ensure that article 18 of the Internal Security Act is implemented in a non-discriminatory fashion with full respect for the human rights of the women concerned.**

273. While commending the State party for its measures against trafficking in women and girls, in particular the imposition of penal sanctions against the perpetrators of trafficking in human beings, the Committee expresses its concern about the inadequacy of protective measures for trafficked women, especially foreign women and girls, who do not testify against their traffickers.

274. **The Committee urges the State party to ensure that trafficked women and girls had the support they need, including through witness protection and social reintegration measures. The Committee recommends that the State party consider issuing resident permits to victims of trafficking whether or not they testify against their traffickers, and whether or not the perpetrators are punished.**

275. The Committee is concerned about the continuing discrimination against immigrant, refugee and minority women who suffer from multiple forms of discrimination based on sex and on their ethnic or religious background, in society at large and within their communities. The Committee regrets the very limited information provided in the reports with regard to violence, including domestic violence, against immigrant women and girls.

276. **The Committee urges the State party to take effective measures to eliminate discrimination against immigrant, refugee and minority women, both in society at large and within their communities. It urges the State party to respect and promote the human rights of women over discriminatory cultural practices, and take effective and proactive measures, including awareness-raising programmes to sensitize the community to combat patriarchal attitudes and stereotyping of roles and to eliminate discrimination against women in immigrant and minority communities. The Committee also recommends that the State party undertake research on the issue of violence against immigrant women and girls and implement policies and programmes to address this issue adequately.**

277. The Committee expresses concern at the absence of information in the reports on tobacco use and drug addiction among women.

278. **The Committee requests that information and sex and age-disaggregated data on tobacco use and drug addiction be provided in the next report and, taking account of its general recommendation 24 on women and health, on any measures adopted to address those issues.**

279. **The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report, due in 2005, under article 18 of the Convention.**

280. **Taking account of the gender dimensions of declarations, programmes and platforms for action adopted by relevant United Nations conferences, summits and special sessions (such as the special session of the General Assembly for an overall review and appraisal of the implementation of the Programme of Action of the International Conference on Population and Development (the twenty-first special session), the special session of the General Assembly on children (the twenty-seventh special session), the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and the Second World Assembly on Ageing), the Committee requests the State party to include information on the implementation of the aspects of those documents relating to relevant articles of the Convention in its next periodic report.**

281. **The Committee requests the wide dissemination in France and its overseas territories of the present concluding comments in order to make the people of France and of its overseas territories, and particularly government administrators and politicians, aware of the steps that had been taken to ensure de jure and de facto equality for women and the future steps required in that regard. It also requests the Government to continue to disseminate widely, in particular to women's and human rights organizations, the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol, the general recommendations of the Committee on the Elimination of Discrimination against Women, the Beijing Declaration and Platform for Action and the results of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace in the twenty-first century".**

6. Combined fourth and fifth periodic report

Ecuador

282. The Committee considered the combined fourth and fifth periodic report of Ecuador (CEDAW/C/ECU/4-5) at its 622nd and 623rd meetings, on 11 July 2003 (see CEDAW/C/SR.622 and 623).

Introduction by the State party

283. In introducing the combined fourth and fifth periodic report, the representative noted that the national machinery for the advancement of women had been strengthened through the creation, in 1997, of the National Council for Women, attached to the Office of the President. A Permanent Commission on Women, Children and the Family had been created in 1998. The Defensoria del Pueblo had been established, together with the Defensoria Adjunta de la Mujer. The National Council for Women had a certain financial and political autonomy, and benefited from the participation of the women's movement in its structures and

implementation of public policies. Preparation of the combined fourth and fifth periodic report had been a collaborative effort between the National Council for Women and the Ministries of Labour, Social Welfare and External Relations.

284. Despite profound economic and political crises during the 1990s, significant legislative reforms had been undertaken towards the elimination of discrimination against women. The Constitution of 1998 incorporated the principle of equality and non-discrimination on the basis of sex, and a series of legislative measures to eradicate discrimination and to create equal opportunities had been introduced, such as a law on violence against women and the family (law 103) adopted in 1995, and a law on love and sexuality, as well as revision of the electoral code, and reforms of the civil and penal code.

285. Since 1996, the collection of sex-disaggregated data had been improved, and a national Equal Opportunity Plan had been formulated by the National Council for Women with the participation of national women's movements. The plan incorporated Ecuador's commitments emerging from the Fourth World Conference on Women, Beijing 1995. Despite the significant progress women had achieved in different areas, cultural perceptions and practices remained discriminatory to women.

286. Turning to developments in relation to the articles of the Convention, the representative drew attention to various measures that had been adopted in support of the implementation of the law on violence against women and the family (law 103). Public officials had been trained, 32 Women's Commissariats had been established, and the Oficina de la Defensa de los Derechos de la Mujer within the National Police had been established in 1995. Such offices now existed in six provinces. Awareness-raising campaigns had been undertaken, and the number of complaints regarding violence against women had increased by 30 per cent between 1992 and 2002. Violence against women was now recognized as both a social and public health problem. However, the representative noted that corrupt practices in the judicial system and sexist cultural attitudes continued to impede the full implementation of the law.

287. Other legislative advances included the Labour Code and Social Security Law which guaranteed the rights of pregnant women to work and to enjoy maternity benefits. The Ley de Maternidad Gratuita aimed at enhancing women's sexual and reproductive health. The revised Ley de Amparo Laboral established a minimum quota of 20 per cent representation of women in the administration of justice. A "Solidarity Bonus" had been established in 1998 for poor women with minor children, persons with disabilities and the elderly living below the poverty line, with some 85 per cent of beneficiaries being women. However, those social protection programmes had not significantly ameliorated their situation.

288. Constitutional and legislative provisions were also in place to protect children and adolescents against exploitation, including prostitution and sexual exploitation. Those measures had been reinforced by the creation, in 1997, of the National Police Directorate specializing in boys, girls and adolescents, and in 2000, the Observatory of the Rights of Children. However, police and judicial corruption continued to hinder the imposition of sanctions for the exploitation of minors. With regard to prostitution, the representative noted that some 15 per cent of sex workers registered with the Ministry of Health were organized in associations. An HIV/AIDS prevention programme targeted at sex workers had been implemented since 1998.

289. The reform of the electoral law in 2000 provided for a minimum quota of 30 per cent representation of women on electoral lists, which led to a significant increase in women's access to elected public office. Nevertheless, such representation, while increasing, remained low at national, provincial and local levels. Similarly, the number of women in the higher levels of the judiciary was low, and there was only one woman among the 39 Supreme Court judges. In 1999, 26.1 per cent of cabinet ministers were women. While there was no de jure discrimination with regard to entry into the foreign service, women still faced resistance and difficulties in securing equal opportunity in that area. In 1998, there were 3 women ambassadors out of a total of 61, but by 2003, that number had increased to 5.

290. The 1998 Constitution incorporated provisions guaranteeing equality between women and men in access to education, ensuring a gender focus in curricula and textbooks and participation of parents in the education process. The National Council for Women supported programmes to mainstream gender perspectives in educational curricula, textbooks and in entrance examinations to institutions of higher education. Steps had also been taken to introduce sex education programmes into the education system. Major emphasis was placed on enhancing education in rural areas. While those and related efforts led to a reduction in women's illiteracy and an improvement of women's educational indicators, gender-specific stereotypes remained prevalent in the education system. The high teenage pregnancy rate, especially in rural areas, continued to lead to the expulsion or dropping out of young women from schools.

291. The Constitution guaranteed women equality of opportunity in access to the labour market as well as equal pay for equal work, recognized domestic work as productive work, and prohibited discrimination in the labour market for reasons of maternity. The Labour Code provided for maternity leave, measures to provide for childcare had been realized, and public employees were covered by social security. However, the political and economic crises of the 1990s had resulted in an increase in the number of economic migrants, of whom an estimated 38 per cent were women. Foreign remittances had become the country's second largest source of income. Women's unemployment and underemployment rates were significantly higher than those of men.

292. The representative drew attention to certain improved health indicators, however, some 80 per cent of women remained without health insurance. Some 17.5 per cent of 15 to 19-year-old women were already mothers. Care for pregnant women had not improved during the last decade, and that situation remained a particular concern among indigenous women. Since 1999, the Ministry of Public Health had been implementing a plan to improve maternal health and the health of children under five years of age by focusing on improved access, quality of service and social participation. The Ley de Maternidad Gratuita aimed at providing women with the necessary care during pregnancy, delivery and post-partum. That law was complemented by a series of important institutional reforms.

293. The representative noted that, according to all social indicators, the situation of indigenous women was worse among all groups of disadvantaged groups of women, for example with regard to literacy rates, income, or access to health care. The Agrarian Development Law of 1994 strengthened capacity-building efforts in rural areas, and encouraged local organization for productive purposes. The law also

guaranteed land ownership and promoted access to credit. Steps such as the 1997 Plan to fight rural poverty, the national programme for rural development, and the establishment of a National Division for Campesino Women, Youth and Family within the Ministry of Agriculture and Livestock aimed at improving the situation of rural women, and provided them with direct services, such as in regards to land ownership, and access to credit. Notwithstanding those efforts, lack of rural development and services led to a significant degree of rural-to-urban migration.

294. In conclusion, the representative noted that legal reforms had ensured for women the same legal status, rights and obligations as men in the context of marriage and family. At the same time, the national culture continued to assign family responsibilities almost exclusively to women, a situation that was reinforced by public support programmes that focused on family welfare. Ecuadorian women had shouldered the costs of economic adjustment, which had led to budgetary cuts in the social, education and welfare sectors.

Concluding comments of the Committee

Introduction

295. The Committee welcomes the delegation of Ecuador, headed by the Technical Director of the National Council for Women, who provided a comprehensive picture of the progress achieved and obstacles that remained in the realization of gender equality in the country.

296. The Committee expresses its appreciation to the State party for the extensive information contained in its combined fourth and fifth periodic report, as well as its replies to the questions raised by the pre-session working group, which contain additional information on the situation of Ecuadorian women. The Committee also appreciates the detailed oral replies from the delegation which made possible a constructive dialogue with the Committee.

Positive aspects

297. The Committee commends the State party for the proclamation of the State Constitution in 1998 which enshrines the fundamental principles of protection and promotion of the human rights of women, and for the adoption of a series of important laws and new laws aimed at achieving equality.

298. The Committee congratulates the State party for the establishment of the National Council for Women in 1997 as the lead agency for public policy aimed at the inclusion of a gender perspective in public sector agencies, whose Board of Directors includes representatives of civil society.

299. The Committee commends the State party for the implementation of the Equal Opportunities Plan 1996-2000, whose results led to progress in the advancement of women.

300. The Committee congratulates the State party for its ratification of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women on 5 February 2002.

Principal areas of concern and recommendations

301. Although the Committee welcomes with satisfaction the laws recently adopted and the legislative reforms and bills submitted to the National Congress, it is concerned that discriminatory provisions still remain in criminal and civil law, family law in particular. Furthermore, the Committee is concerned at the disparity between the de jure and de facto situation regarding legal protection for women. It is also concerned at the lack of an integrated policy to institutionalize a gender perspective among the major elements of the State party's strategic priorities.

302. **The Committee urges the State party to repeal the remaining discriminatory provisions in its criminal, civil and family law to ensure the enforcement of laws prohibiting discrimination against women, and to streamline procedures for review of the compatibility of those laws with the Convention, thereby strengthening its political will to incorporate a gender perspective in the formulation and enforcement of laws. The Committee also urges the State party to consider the incorporation of a gender perspective in its normative framework as a main focus among its strategic priorities and to consider the possibility of designing and implementing an integrated policy to institutionalize a gender perspective.**

303. Although the Committee welcomes the establishment of the National Council for Women by executive decree in 1997, it is concerned at the lack of a law institutionalizing the Council and regulating its normative capability, operations and financing. It is also concerned that this body does not have an explicit mandate allowing it to guarantee, and require from the different sectors of government, the enforcement of laws, plans and programmes for gender equality, and that a Director still has not been appointed. The Committee is also concerned that the participation of civil society organizations in the Council could be weakened and that movements of indigenous women and women of African descent are still not represented.

304. **The Committee urges the State party to strengthen the regulatory and normative role of the National Council for Women by adopting a law institutionalizing and regulating its activities and giving it a more active role in monitoring the enforcement of standards to promote gender equality, and to allocate to it the financial resources necessary for its operation and the exercise of its functions. Furthermore, the Committee encourages the State party to appoint a director to head the National Council for Women. The Committee encourages the State party to ensure the participation of civil society in the Council and to promote the participation of movements of indigenous women and women of African descent.**

305. While the Committee welcomes the elaboration of the Equal Opportunities Plan 1996-2000 as a technical instrument guaranteeing the inclusion of a gender perspective in public policies and promoting the development of programmes and projects to benefit women and girls, it is concerned at the delay in the discussion and consultation on the adoption of the Equal Opportunities Plan 2002-2007.

306. **The Committee urges the State party to accelerate the review and consultation process for the adoption of a new plan, with the participation of civil society and particularly women's groups, with a view to its rapid adoption.**

307. The Committee is concerned at the high levels of poverty and extreme poverty among women, and notes in particular the situation of rural and indigenous women.

Despite the existence of isolated anti-poverty plans, the Committee is concerned at the lack of a general and comprehensive poverty eradication policy specifically targeting rural and indigenous women.

308. **The Committee urges the State party to develop a general poverty eradication policy incorporating a gender perspective and focusing particularly on rural and indigenous women.**

309. Given the increasing numbers of Ecuadorian women taking refuge in foreign countries to escape from poverty and extreme poverty, the Committee is concerned at the fact that this situation makes it likely that emigrant women will be victims of various forms of violence, exploitation and trafficking. The Committee is likewise concerned at the vulnerability of women whose spouses emigrate to other countries. It is also concerned at the situation of Ecuadorian women living on the Ecuador-Colombia border and that of Colombian women who flee Colombia and take refuge in Ecuador, since they are also victims of violence of all kinds owing to the militarization of the border area and the application of "Plan Colombia".

310. **The Committee urges the State party to focus on the causes of this phenomenon and adopt measures to alleviate poverty and extreme poverty, and to protect migrant women and those who remain in Ecuador when their spouses emigrate, as well as women living on the Ecuador-Colombian border.**

311. Although the Constitution guarantees the protection of children and adolescents from trafficking, prostitution, pornography and sexual exploitation, and the law defines the corruption of minors as a serious offence, the Committee is concerned that many such activities are not explicitly defined as serious offences by the Penal Code and that there is insufficient protection for the victims of such offences. The Committee is also concerned at the lack of studies, analyses and gender-disaggregated statistics on the incidence of these activities. The Committee is also concerned that sexual abuse is not defined as an offence; it is especially concerned at the fact that trafficking in women, particularly for the sex industry, is not penalized by law, leaving its victims unprotected.

312. **The Committee recommends that the Penal Code should severely penalize these serious offences against children and adolescents, that the appropriate measures should be taken to protect and rehabilitate the victims and that the appropriate studies and analyses should be conducted to enable the Government to deal effectively with the situation. The Committee further believes that trafficking in women, particularly for the sex industry, should be strictly penalized.**

313. The Committee is concerned at the Government's lack of attention to the problem of prostitution and at the fact that current legislation fails to penalize pimps for managing premises for this type of exploitation. This is the case under the rules established by the administrative authorities, and those rules are incompatible with article 6 of the Convention.

314. **The Committee recommends that appropriate attention should be given to the problem of prostitution and that the law should penalize those who engage in the exploitation of prostitution.**

315. While the Committee welcomes the efforts of the State party to combat violence against women through the enactment of the Law to Combat Violence

against Women and the Family, it is concerned at the absence of regulations for the implementation of that Law and at the persistence of violence against women in Ecuador. The Committee also expresses its concern at the fact that the Penal Code defines violence against women not as a serious offence but only a minor offence.

316. **The Committee urges the State party to take steps to implement the aforementioned legislation, taking into account the Committee's General Recommendation 19 on violence against women, and to monitor its application and assess its effectiveness. The Committee likewise considers it particularly important that violence against women should be penalized under the Ecuadorian Penal Code. Similarly, it urges the State party to draft and implement regulations to implement the Law to Combat Violence against Women and the Family and recommends that the State party should conduct training and awareness campaigns on domestic violence, mainly for staff in the judicial sector and police officers. It urges the State party to provide sufficient funding for programmes to protect the victims of violence against women, in order to ensure their implementation.**

317. The Committee is concerned that, although there is a National Education Plan for Love and Sexuality, it is not applied consistently and little is done to publicize women's right to sexual and reproductive health care, which would help to make both sexes aware of their rights and responsibilities in the area of reproduction. The Committee is also concerned at the high rate of pregnancy and abortion among teenagers, particularly in rural areas.

318. **The Committee urges the State party to implement the National Education Plan for Love and Sexuality and to strengthen its health-care programmes, including sexual and reproductive health, and, as soon as possible, to implement a national programme that provides women and men with adequate and reliable information on available contraceptive methods and methods that can enable them to exercise their right to make a free and informed decision concerning the number and spacing of their children and to strengthen methods for preventing sexually transmitted diseases and HIV/AIDS, including the availability of condoms. It also requests the State party to continue strengthening support programmes for pregnant teenagers and teenage mothers and sexual education programmes to prevent pregnancies among the teenage population. The Committee requests the State party to include in its next periodic report information on the impact of programmes to limit and prevent teenage pregnancies.**

319. The Committee is concerned at the persistent problem of illiteracy, especially in rural areas, and the high rate of school dropouts among the female population, in particular in rural and indigenous areas.

320. **The Committee recommends that efforts to address this problem should be stepped up, through the sustained implementation of programmes and plans, especially in rural and indigenous areas.**

321. Although there is a bilingual education plan and gender mainstreaming programmes designed to be applied at the different levels of basic education and teacher training, the Committee notes with concern that the plan is not applied systematically and in all centres responsible for applying it.

322. **The Committee urges the State party to implement the bilingual education plan and the gender mainstreaming programmes.**

323. Although labour legislation exists, the Committee notes with concern the lack of a general employment policy giving priority attention to women, the failure to apply labour legislation and the persistence of inequalities, manifested in particular by a gap between men's and women's salaries. The Committee is especially concerned at the persistent high rate of child labour in Ecuador.

324. **The Committee recommends that the necessary steps should be taken to guarantee that the provisions of article 11 of the Convention are enforced and that the relevant International Labour Organization conventions ratified by Ecuador are applied, in particular concerning the prohibition of discrimination in employment, the prohibition of child labour and equal pay for women and men. It recommends the adoption of a gender-sensitive employment plan and labour code and the prohibition of child labour.**

325. Despite the existence of awareness-raising programmes, the Committee is concerned at the persistence of traditional stereotypes relating to the roles and responsibilities of women and men within the family, in the education system and in society in general.

326. **The Committee recommends the development of policies and implementation of programmes for women and men aimed at eliminating stereotypes associated with traditional roles within the family and in the education system, employment, politics and society in general.**

327. Despite the reform of the Electoral Law, the Committee is concerned at the low percentage of political participation of women and the failure to apply, alternatively and sequentially, article 40 of the Electoral Law, which stipulates that there must be a 30 per cent quota of women on the electoral lists. The Committee is also concerned at the possibility that this article might be removed from the Law.

328. **The Committee recommends that the State party should adopt strategies to increase the number of women taking part in decision-making positions at all levels, including the introduction of temporary special measures, in conformity with article 4, paragraph 1, of the Convention, to strengthen its efforts to promote women to positions of power in both the public and private sectors, supported by special training programmes and campaigns to raise awareness of the importance of women's participation in the country's political life.**

329. While acknowledging efforts made by the State party to establish gender-disaggregated indicators, the Committee notes that the reports submitted contain an insufficient amount of gender-disaggregated data and insufficient information concerning rural and indigenous women.

330. **The Committee recommends a broader and more exhaustive compilation of gender-disaggregated data and urges the State party to include in its next report statistics indicating the status of programmes and their impact on the country's female population, in particular rural and indigenous women.**

331. The Committee notes with concern that the terms "equality" and "equity" are used synonymously in the State party's reports.

332. The Committee urges the State party to note that the terms "equity" and "equality" are not synonymous or interchangeable terms and that the Convention is aimed at the elimination of discrimination against women and at ensuring equality between women and men.

333. The Committee urges the State party to deposit its instrument of acceptance of the amendment to article 20, paragraph 1, of the Convention concerning the Committee's sessions.

334. The Committee requests the State party to respond to the specific questions raised in these concluding comments in its next periodic report to be submitted under article 18 of the Convention. The Committee invites the State party to submit its sixth periodic report, which was due in December 2002, and its seventh periodic report, due in December 2006, in a combined report in 2006.

335. Taking account of the gender dimensions of declarations, programmes and platforms for action adopted by relevant United Nations conferences, summits and special sessions (such as the special session of the General Assembly to review and appraise the implementation of the Programme of Action of the International Conference on Population and Development (the twenty-first special session), the special session of the General Assembly on Children (the twenty-seventh special session), the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Second World Assembly on Ageing), the Committee requests the State party to include information on the implementation of aspects of these documents relating to relevant articles of the Convention in its next periodic report.

336. The Committee requests the wide dissemination in Ecuador of these concluding comments in order to make the people of Ecuador, in particular government administrators and politicians, aware of the steps that have been taken or remain to be taken to ensure the de jure and de facto equality of women. It also requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations and the Beijing Declaration and Platform for Action, as well as the results of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

7. Fourth and fifth periodic reports

Japan

337. The Committee considered the fourth and fifth periodic reports of Japan (CEDAW/C/JPN/4 and CEDAW/C/JPN/5) at its 617th and 618th meetings on 8 July 2003 (see CEDAW/C/SR.617 and 618).

Introduction by the State party

338. In introducing the fourth and fifth periodic reports, the representative emphasized that great progress had been made for gender equality in the 1990s. Information, including the opinions of non-governmental organizations, had been sought in the preparation of the present reports. As national government ministries

and agencies had been streamlined in 2001, the existing national machinery for gender equality had been strengthened. The Gender Equality Bureau had been established within the Cabinet Office, with responsibility for planning and coordinating the gender equality policies of the Governme t. The Council for Gender Equality, chaired by the Chief Cabinet Secretary, who also held the post of Minister of State for Gender Equality, consisted of ministers and experts, and monitored the implementation of gender equality policies and studied their effects.

339. The representative drew attention to a number of new legal and other measures. The Basic Law for a Gender-equal Society had been enacted in 1999, followed by the adoption in December 2000 of the Basic Plan for Gender Equality. The latter was comprised of concrete measures to be taken by 2005, as well as long-term policies and principles to be achieved by 2010. Subsequently, most local prefectures had passed gender-equality ordinances to implement gender equality plans mandated by the Basic Law.

340. The first comprehensive law on the prevention of spousal violence and the protection of victims had been adopted in 2001, followed by the establishment of 103 spousal violence counselling and support centres. According to a nationwide survey of November 2002, one in every five women had experienced some form of spousal violence, but most had never sought assistance from public institutions. The Government was undertaking efforts at information dissemination and was also considering further revisions to the law to make it more effective. Laws to punish acts related to child prostitution and child pornography, to protect children and to proscribe stalking behaviour and assist victims further strengthened measures to respond to violence against women.

341. While the revised Equal Employment Opportunity Law (1997) prohibited discrimination against women and had led to a steady spread of equal treatment of male and female employees, gaps still persisted. The issue now was how to eliminate them. Councils had been established to promote implementation of positive action policies. A study had revealed reasons and put forward proposals for addressing the wage gaps between women and men, after which the Government announced guidelines. A Panel on Equal Employment Opportunity Policies between Men and Women was considering how to define what constituted indirect discrimination and would report in 2004. Women constituted 70 per cent of part-time workers, and 40 per cent of employed women worked part time, but the salaries of such workers were lower than those of full-time workers. Based on a report issued in March, the Government was preparing to revise current guidelines concerning the equitable treatment of full-time and part-time employees.

342. Efforts were also under way to enhance the balancing of work and family. The Child Care and Family Care Leave Law had been revised in 2001 to prohibit disadvantageous treatment of employees taking childcare leave and other aspects. Policies had been adopted to support implementation of the law, including five days of leave for men upon the birth of a child, and the creation of an additional 150,000 places for children in day care within three years. A study conducted in 2001 indicated that two thirds of women left the workforce following childbirth due to a general atmosphere unfavourable to childcare leave, absence of childcare facilities, inflexible working management and perception of child-rearing as a woman's responsibility. In order to address the burden of balancing work and family, and the rapidly growing trend towards fewer children, the Government had adopted an

immediate action plan to support the development of the next generation, which set goals for increasing the percentage of men who took childcare leave. A relevant law would make it mandatory for local Governments and corporations to implement action plans over the next 10 years. Furthermore, the law for the welfare of fatherless families and widows had been revised in 2002 in response to the growing number of single-mother families, leading to an expansion of measures on child-rearing, employment, economic support and educational expenses.

343. The representative stressed the Government's aim to increase the number of women in policy- and decision-making. For example, guidelines on the recruitment and promotion of women national public service officers were being implemented. In 2002, 25 per cent of members of national policy advisory councils were women, and the goal was to reach 30 per cent by 2005. Nevertheless, women held only 8.9 per cent of managerial positions in Government and the private sector. The Council for Gender Equality had identified three major areas for concrete action. Most notably, it took the unprecedented step of recommending a numerical goal of 30 per cent women in leadership positions in all sectors of society by 2020.

344. Steps had also been taken to change stereotyped perceptions of gender roles in supporting the balancing of work and family. To that end, education and information activities were undertaken, and a manual to ensure that government publications were free from stereotyped gender-role images had been widely distributed. Under the auspices of the Council for Gender Equality, a gender analysis of the tax, social security and employment systems had been conducted, and the views had been reflected in the tax systems reforms in the present fiscal year.

345. The representative emphasized that, since 1995, Japan had allocated approximately 10 per cent of its official development assistance (ODA) to support women in all parts of the world in such areas as education, health and participation in economic and social activities, through its Initiative on Women in Development. The total ODA of Japan averaged around $10 billion per annum.

346. In response to the problem of trafficking in persons, a number of cases had been brought, and information was being exchanged with relevant authorities and embassies in countries of origin to prevent trafficking and protect victims. Japan supported such projects and had hosted meetings aimed at eradicating trafficking, including the Second World Congress against Commercial Sexual Exploitation of Children in December 2001. It had signed the United Nations Convention against Transnational Organized Crime in 2000 and its supplementing protocols in 2002, and the ratification of that Convention had been approved by the Diet in May 2003.

347. In conclusion, the representative stressed the Government's commitment to the implementation of the Convention and appreciated the important role of the Committee on the Elimination of Discrimination against Women, as indicated in its ratification of the amendment to article 20, paragraph 1, of the Convention in June 2003. The representative also stressed the high importance and value the Government attached to cooperation with non-governmental organizations in building a gender-equal society in Japan.

Concluding comments of the Committee

Introduction

348. The Committee commends the State party for the quality and timely submission of its fourth and fifth periodic reports, which comply with the Committee's guidelines for the preparation of periodic reports. It expresses appreciation to the State party for the written replies to the issues and questions of the Committee's pre-session working group and for the comprehensive oral presentation, which provided additional information on recent developments in the State party.

349. The Committee commends the State party for having sent a delegation, headed by the Director-General of the Gender Equality Bureau. The Committee appreciates the frank and constructive dialogue that took place between the delegation and the members of the Committee.

350. The Committee notes with satisfaction that the State party took account of the outcome document of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century" in formulating its Basic Plan for Gender Equality based on all the 12 critical areas of concern of the Beijing Platform for Action.

Positive aspects

351. The Committee congratulates the State party for its important achievements in the promotion of equality between women and men since the consideration of the second and third periodic reports, particularly the enactment in June 1999 of the Basic Law for a Gender-equal Society and the Basic Plan for Gender Equality adopted in December 2000, which demonstrate Japan's goals for and policies on gender equality. It also appreciates that all prefectures are implementing their own plans formulated in accordance with the Basic Law and notes that municipalities that have not yet done so are being encouraged to formulate plans for gender equality at the local level.

352. The Committee notes with appreciation the law reform undertaken by the State party in several areas, including the revision of the Equal Employment Opportunity Law that prohibits discrimination against women from recruitment to retirement and obliges managers to give consideration to the prevention of sexual harassment in the workplace; the 2001 revision of the Child Care and Family Care Leave Law that prohibits disadvantageous treatment of employees because of their taking childcare leave; the 2001 Law for the Prevention of Spousal Violence and the Protection of Victims that provides for protection orders; and the 2000 Law on Proscribing Stalking Behaviour and Assisting Victims that establishes punishment for stalking.

353. The Committee welcomes the strengthening of the national machinery with the establishment of the Gender Equality Bureau within the Cabinet Office, given the task of planning and coordinating gender equality policies; and the establishment of the Council for Gender Equality chaired by the Chief Cabinet Secretary/Minister of State for Gender Equality and comprised of ministers designated, and intellectuals appointed, by the Prime Minister, which monitors the implementation of those policies and surveys the effects of government measures.

354. The Committee appreciates the State party's collaboration with women's non-governmental organizations in the preparation of the reports, as suggested in the Committee's previous concluding comments, and welcomes the State party's commitment to continue to strengthen that partnership.

355. The Committee commends the State party for allocating, under the Initiative on Women in Development, approximately 10 per cent of its official development assistance over the last decade for women's education, health and economic and social participation, to a number of developing countries in various parts of the world.

356. The Committee notes with appreciation that the State party has accepted the amendment to article 20, paragraph 1, of the Convention, relating to the Committee's meeting time.

Principal areas of concern and recommendations

357. The Committee expresses concern that, while the Constitution stipulates equality between the sexes, no specific definition of discrimination has been included in domestic legislation.

358. **The Committee recommends that a definition of discrimination against women, encompassing both direct and indirect discrimination in line with article 1 of the Convention, be included in domestic legislation. It also recommends campaigns to raise awareness about the Convention, in particular the meaning and scope of indirect discrimination, aimed, inter alia, at parliamentarians, the judiciary and the legal profession in general.**

359. While appreciating the State party's recognition that the long-standing stereotyped perception of gender roles remains the major obstacle to achieving equality between women and men and noting its efforts based on regular opinion polls in this regard, the Committee remains concerned about the persistence of deeply rooted and rigid stereotypes in Japan regarding the role and responsibilities of women and men in the family and in society, which are reflected in women's situation in the labour market, educational choices and low participation in political and public life.

360. **The Committee recommends that the State party design and implement comprehensive programmes in the educational system, including human rights education and gender equality training, and disseminate information on the Convention and the Government's commitment to gender equality, with a view to changing existing stereotypical attitudes on women's and men's roles. It recommends that the State party disaggregate its surveys and opinion polls, not only by sex but also by age and, on the basis of the results increase targeted efforts at advancing the notion of parenting as a social responsibility of both mothers and fathers. It recommends that awareness-raising campaigns be intensified and that the media be encouraged to project a positive image of women and of the equal status and responsibilities of women and men in the private and public spheres.**

361. While acknowledging legal and other measures by the State party to address violence against women, the Committee is concerned about the prevalence of violence against women and girls and about women's apparent reluctance to seek assistance from existing public institutions. It is concerned that the Law for the

Prevention of Spousal Violence and the Protection of Victims currently does not cover forms of violence other than physical violence. It is also concerned that the penalty for rape is relatively lenient and that incest is not defined explicitly as a crime under the Penal Code but is dealt with indirectly under a number of different penal provisions. The Committee is further concerned about the particular situation of foreign women who experience domestic violence and whose immigration status might depend on their living together with their spouse. The Committee is concerned that fear of repatriation might be a deterrent for those women to seek assistance or take steps to seek separation or divorce. While appreciative of the comprehensive information provided by the State party with respect to the measures it has taken before and after the Committee's consideration of the second and third periodic reports of the State party with respect to the issue of "wartime comfort women", the Committee notes the ongoing concerns about the issue.

362. **The Committee calls upon the State party to intensify its efforts to address the issue of violence against women, including domestic violence, as an infringement of their human rights. In particular, the Committee urges the State party to broaden the Law for the Prevention of Spousal Violence and the Protection of Victims so as to include different forms of violence, increase the penalty for rape and include incest as a specific crime in its penal legislation, and implement policies in accordance with the Committee's general recommendation 19, in order to prevent violence; provide protection, support and other services to the victims; and punish offenders. The Committee recommends that revocation of residence permits of foreign but separated married women who experience domestic violence be undertaken only after a full assessment of the impact of such measures on those women. The Committee recommends that the State party endeavour to find a lasting solution for the matter of "wartime comfort women".**

363. While recognizing the efforts made by the State party to address trafficking in women and girls, including its cooperation for prevention and investigation with law enforcement and immigration authorities in countries of origin and transit in the Asia-Pacific region, the Committee is concerned that information on the extent of the problem is insufficient and the punishment for perpetrators under current laws too lenient.

364. **The Committee recommends that the State party increase its efforts to combat trafficking in women and girls. It requests the State party to systematically monitor the phenomenon and compile detailed data reflecting the age and national origin of victims, with a view to formulating a comprehensive strategy to address the problem and ensure that penalties for perpetrators are appropriate. The Committee requests the State party to provide in its next report comprehensive information and data on the trafficking of women and girls as well as on measures taken in this regard.**

365. The Committee expresses concern about the lack of information in the reports about the situation of minority women in Japan. It also expresses concern at the multiple forms of discrimination and marginalization that these groups of women may face with respect to education, employment, health, social welfare and exposure to violence, including within their own communities.

366. **The Committee requests the State party to provide, in its next report, comprehensive information, including disaggregated data, on the situation of**

minority women in Japan, especially with regard to their educational, employment and health status and exposure to violence.

367. While welcoming the guidelines for the expansion of recruitment and promotion of women in national advisory councils and the setting of a numerical goal of 30 per cent for leadership positions in all sectors of society by the year 2020, the Committee is concerned about the low representation of women in high-level elected bodies including in the Diet, local assemblies, the judiciary and the diplomatic service, and as mayors, prosecutors and police.

368. **The Committee recommends that the State party take further measures to increase the representation of women in political and public life through, inter alia, the implementation of temporary special measures, in accordance with article 4, paragraph 1, of the Convention, in order to realize women's right to participation in all areas of public life, particularly at high levels of policy- and decision-making. The Committee urges the State party to support training programmes for future women leaders and carry out awareness-raising campaigns regarding the importance of women's representation in decision-making for achieving gender equality.**

369. The Committee is concerned at the existing wage gap between women and men, stemming largely from the difference in type of work, horizontal and vertical employment segregation as expressed by the two-track employment management system, and the lack of understanding regarding the practice and the effects of indirect discrimination as expressed in governmental guidelines to the Equal Employment Opportunity Law. The Committee is further concerned by the high percentage of women in part-time work and by women who are "dispatch workers", whose salaries are lower than those working in a regular situation. The Committee is deeply concerned about the difficulties faced primarily by women in reconciling their personal and family lives with professional and public responsibilities.

370. **The Committee urges the State party to amend its guidelines to the Equal Employment Opportunity Law and to increase its efforts towards accelerating the achievement of de facto equal opportunities for women and men in the labour market through, inter alia, the use of temporary special measures in accordance with article 4, paragraph 1, of the Convention. The Committee recommends that efforts be made to eliminate occupational segregation, both horizontal and vertical, through, inter alia, education and training, effective enforcement mechanisms and systematic monitoring of progress. The Committee recommends that measures allowing for the reconciliation of family and professional responsibilities be intensified, that equal sharing of domestic and family tasks between women and men be promoted, and that changes to the stereotypical expectations of women's roles in the family and labour market be encouraged.**

371. The Committee expresses concern that the Civil Code still contains discriminatory provisions, including those with respect to the minimum age for marriage, the waiting period required for women to remarry after divorce and the choice of surnames for married couples. It is also concerned about discrimination in law and administrative practice against children born out of wedlock with regard to registration and inheritance rights and the resulting considerable impact on women.

372. **The Committee requests the State party to repeal discriminatory legal provisions that still exist in the Civil Code and to bring legislation and administrative practice into line with the Convention.**

373. While noting with satisfaction that the Government submitted a Human Rights Protection Bill to the Diet in March 2002, the Committee is concerned about the independence of the proposed human rights commission, which would be placed under the Ministry of Justice.

374. **The Committee recommends that the human rights commission proposed in the Human Rights Protection Bill be established in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (General Assembly resolution 48/134 of 20 December 1993, annex, known as the "Paris Principles") in order to ensure that it will be an independent institution and adequately address women's human rights.**

375. **The Committee encourages the State party to continue to consider the ratification of the Optional Protocol to the Convention, while noting the concerns expressed by the State party in its fifth periodic report. The Committee strongly believes that the mechanisms available under the Optional Protocol would strengthen the independence of the judiciary and assist it in understanding discrimination against women.**

376. **The Committee urges the State party to respond in its next periodic report, due in 2006, to the specific issues raised in the present concluding comments. The Committee also urges the State party to collect and analyse comprehensive data disaggregated by sex and age and to include such data in its next report. It also requests that the report highlight information on results and the impact of legislation, policies and programmes in the implementation of the Convention.**

377. **The Committee requests that the text of the present concluding comments be widely disseminated in Japan so as to inform the public, in particular administrators, officials and politicians, of the measures taken to guarantee de jure and de facto equality between men and women and of the supplementary measures to be adopted in that area. The Committee also urges the State party to continue to give broad publicity to the Convention, its Optional Protocol, the general recommendations of the Committee, the Beijing Declaration and Platform for Action, and the results of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century", particularly among women's associations and human rights organizations.**

378. **Taking account of the gender dimensions of declarations, programmes and platforms for action adopted by relevant United Nations conferences, summits and special sessions (such as the special session of the General Assembly to review and appraise the implementation of the Programme of Action of the International Conference on Population and Development (the twenty-first special session), the special session of the General Assembly on children (the twenty-seventh session), the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Second World Assembly on Ageing), the Committee requests the State party to include**

information on the implementation of aspects of those documents relating to relevant articles of the Convention in its next periodic report.

8. Fifth periodic report

New Zealand

379. The Committee considered the fifth periodic report of New Zealand (CEDAW/C/NZL/5) at its 625th and 626th meetings, on 14 July 2003 (see CEDAW/C/SR.625 and 626).

Introduction by the State party

380. In introducing the report, the representative of New Zealand noted that the report, which included information up to September 2002, differed significantly from its preceding ones in its development and structure. Particular effort had been made to reach women beyond the traditional networks of non-governmental organizations for wide consultations. Two new sections had been added, one that outlined measures taken by the Government in response to the last concluding comments of the Committee, and one that provided a summary of the key themes and issues that emerged from the public consultation process.

381. Following the introduction of a government-funded paid parental leave scheme of 12 weeks for eligible women or their partners, including same-sex partners, the Cabinet had approved the removal of New Zealand's reservation to article 11, paragraph 2 (b). In 2005, the Government of New Zealand would consider lifting its reservation on women in armed combat.

382. The representative described the position of national courts with respect to international human rights treaties in relation to domestic legislation. New Zealand courts had taken international human rights treaties, including the Convention, into account when determining cases. The Human Rights Act of 1993, as amended in December 2001, contained appropriate non-discrimination standards for the Government, supported by an accessible, publicly funded complaints procedure and effective remedies. Legislation and government policies and activities were subject to those standards, which included discrimination in employment, incitement to racial disharmony, victimization and racial and sexual harassment. A number of steps had also been made to improve women's access to justice, and a new Legal Services Agency was taking a more proactive approach to legal aid. The Government had also commissioned a report on the structure of the courts, which would take into account Maori and gender perspectives. The Human Rights Commission was developing an action plan for human rights that would promote a wide range of human rights, including civil, political, economic, social and cultural rights.

383. The Government had created a social statistics programme to define the broad content and structure of social statistics over the next 10 years. Gender had been identified as a key variable, and would allow ongoing comparison of the situation of women and men of different ethnicities in New Zealand. Further, since January 2002, all papers going to the Cabinet Social Development Committee were required to include gender implications statements, supported by gender analysis. In addition, the first Time Use Survey was completed in New Zealand in 1999. The Survey recorded the amount of time spent by women and men, disaggregated by ethnicity,

in different activities, including paid work, voluntary work, household work and caring responsibilities. The Office of Ethnic Affairs had been launched in May 2001 to provide information and advice about groups, such as migrants, refugees, and New Zealand-born residents who identified with an ethnic group. Immigration policy had shifted from a narrow focus to a much broader one on positive settlement and resettlement outcomes for refugees and migrants.

384. The Government was taking a "whole of government" approach, called "Reducing Inequalities" to monitor and set direction in social and economic policies to better respond to the needs of Maori and Pacific communities. The functions of the Ministry of Maori Development were broadened in 2000, and government departments and agencies were expected to monitor and evaluate their own programmes and services in terms of their effectiveness for Maori women. The Government had continued its efforts to implement the Treaty of Waitangi and had allocated in its 2003 budget NZ$ 6.5 million over three years for a programme of public information on this treaty. To celebrate the twentieth anniversary of the adoption of the Convention on the Elimination of All Forms of Discrimination against Women, and as a contribution to the International Decade of the World's Indigenous People, the New Zealand Human Rights Commission and the Ministry of Maori Development jointly published booklets on the Convention and its Optional Protocol in both Maori and English and widely distributed them.

385. Turning to women in decision-making positions, the representative pointed out that women held four constitutional positions, namely the Governor-General, the Prime Minister, the Attorney-General and the Chief Justice, and the proportion of women Ministers of the Crown had significantly increased, to 31 per cent. The target of 50 per cent representation of women at all levels in the Ministry of Foreign Affairs and Trade by 2005 had almost been met already — with women currently making up 49 per cent of that Ministry.

386. Since the current Government's election at the end of 1999, a clear emphasis had been placed on halting the privatization of publicly funded social and health services and moving away from free-market legislation. The Employment Relations Act of 2000 replaced the Employment Contracts Act of 1991 as the legislative framework for employment relationships. While current review of the Act did not explicitly focus on issues that directly affected only women, a number of issues relating to inequalities of bargaining power would be relevant to women. The Government had established a Pay and Employment Equity Taskforce to progress pay and equality in employment between women and men in public service and in the public health and education sectors. The establishment of an Equal Employment Opportunities Commissioner within the Human Rights Commission was one of the most significant developments in terms of accelerating equality between men and women.

387. Although there had been a continuous rise in the percentage of women in the paid labour force over the preceding six years, a decrease in the unemployment rate for women, a significant increase in the number of women employed in professional and managerial occupations and an increase in the number of self-employed women, challenges remained, such as the persistence of a pay gap between women and men, occupational segregation and increasing difficulties in achieving a work-life balance. The Government had taken a range of measures to address those challenges, including raising the maximum number of hours of subsidized childcare,

and the passage of the Social Security (Working Towards Employment) Bill of 2003, which provided for a more flexible and individualized approach to supporting sole parents and widows. Family responsibilities were recognized as part of the Government's more holistic approach to social development.

388. The representative reported that women's health indicators had improved. The New Zealand Health System had been restructured from a market-oriented model to a community-oriented model, with local district health boards being responsible for providing health-care services to a geographically defined population. Several strategies had been implemented, such as the Primary Health Care Strategy, the Disability Strategy and the Health of Older People Strategy and the Breastfeeding Action Plan, and others were under development. Turning to education, the representative noted that the participation and achievement of women and girls in the education sector continued to improve. Early childhood education enrolment had increased, and more women than men were participating in tertiary education at every level except that of doctorate.

389. Among other current and planned projects highlighted by the representative were: a project to improve the financial assistance available to families with dependent children; the planned establishment of a Community and Voluntary Sector Office within the Ministry of Social Development; initiatives to benefit rural communities; the entry into force in February 2002 of the Property (Relationships) Amendment Act 2001, which treated "de facto" couples, including same-sex couples, in the same manner as married couples in terms of the division of property on dissolution of the marriage; and the launch of the "Te Rito" New Zealand Family Violence Prevention Strategy in March 2002.

390. The representative concluded by stating that the State party looked forward to receiving the concluding comments of the Committee on the fifth periodic report. She would report them to the Cabinet on her return to inform domestic policy, in particular the development and implementation of the Women's Action Plan, which would provide a blueprint of the status of New Zealand women, their future aspirations and how Government would contribute to their achievement. The concluding comments of the Committee would also be published and made available on the Government's web site.

391. Another representative read a statement on behalf of "Fatupaepae" Women's Organization of Tokelau, a non-self-governing territory of New Zealand, which described the customary and traditional role of women in Tokelau as "good parenting: utmost care for family; responsibility of high esteem for the lives of children, family members and society; yet with freedom to express one's self with respect". Women in Tokelau were pursuing tertiary education and careers, as well as accepting roles in political life, including in the Council of Elders in some villages and in the General Fono, the highest policy-making institution in Tokelau. Although there were currently no social welfare benefits per se, the issue of allowances or pensions for women who could not be employed because of their full-time home responsibilities was being considered. Short-term training courses were being considered for women, including in budgeting and leadership, and women in business. Tokelau had continued to participate in workshops and meetings related to the Convention on the Elimination of All Forms of Discrimination against Women in the region and outcomes and recommendations had been reported to the General Fono. The evolution of the role of women in Tokelau was being handled in a

sensitive manner befitting the speed, scale and impact of social change in a small-scale community (of approximately 1,500 people), spread over three atolls each 80 kilometres apart. The "Fatupaepae" was committed to continuing to discuss and consult with the community and political leaders about the Convention, and that would determine the key decisions that needed to be taken and the actions and resources required to make further progress.

Concluding comments of the Committee

Introduction

392. The Committee commends the State party for the quality and timely submission of its fifth periodic report, which is in accordance with the Committee's guidelines for the preparation of periodic reports. It also commends the State party for the written replies to the issues and questions raised by the Committee's pre-session working group and for the comprehensive oral presentation.

393. The Committee welcomes the State party's initiative to include in its report a separate chapter on New Zealand Government responses to, and actions taken in pursuance of, the concluding comments of the Committee on the combined third and fourth periodic report.

394. The Committee congratulates the State party for its high-level delegation headed by the Minister of Women's Affairs. The Committee appreciates the frank and constructive dialogue that took place between the delegation and the members of the Committee.

395. The Committee welcomes the authorization by the New Zealand Cabinet of the withdrawal of the reservation to article 11, paragraph 2 (b), of the Convention on the provision of paid parental leave. It also notes with appreciation the stated intention of the State party to consider lifting its reservation to article 11 (a) regarding women in armed combat in 2005.

396. The Committee appreciates the State party's collaboration with women's non-governmental organizations and other interested stakeholders in the preparation of the report.

Positive aspects

397. The Committee welcomes the State party's efforts in implementing the "Treaty of Waitangi", which aim to "strengthen national identity and uphold the principles of the Treaty of Waitangi". It also commends the State party for the adoption of the New Zealand Public Health and Disability Act, 2000, which includes a section on the Treaty, intended to achieve the Act's objectives for the health of Maori women.

398. The Committee notes the work currently under way to strengthen women's human rights in Tokelau, giving attention to the culture and customs of the people of Tokelau.

399. The Committee congratulates the State party for its important achievements towards gender equality since the consideration of its combined third and fourth periodic report, particularly its efforts in preparing a women's action plan. It also welcomes the adoption of the Employment Relations Act, 2000, which provides

protection against discrimination in employment on the same grounds as the Human Rights Act, 1993.

400. The Committee appreciates the State party's establishment of a paid parental leave scheme and the stated intention to improve it.

401. The Committee welcomes the establishment of an Equal Opportunities Commissioner in the Human Rights Commission as well as the gender mainstreaming efforts in that Commission.

402. The Committee welcomes the State party's recognition of the various needs of its ageing population, the majority being women, and the development of policies to address these needs.

403. The Committee welcomes the State party's ratification of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women in September 2000.

404. The Committee welcomes the State party's policy of strengthening the promotion and protection of women's human rights and of integrating a gender dimension into development cooperation programmes, particularly in the Pacific region.

Principal areas of concern and recommendations

405. The Committee notes with concern that the Convention on the Elimination of All Forms of Discrimination against Women has not acquired a specific statute to achieve domestic implementation.

406. **The Committee recommends that the State party take appropriate measures to incorporate all the provisions of the Convention into domestic law.**

407. While appreciating the fact that women are in some of the highest decision-making positions and the progress made as regards women's increased political representation, the Committee notes with concern the declining number of women in Parliament and in local government it also notes with concern that not all political parties see this issue as also their responsibility. The Committee further notes with concern that women are underrepresented in public life, inter alia, with respect to chief executives in the public sector, on Crown Company Boards, and that the State party does not pursue an overall policy of target setting in its Ministries. The Committee is further concerned about inequality, which persists within the private sector, in which action on equal opportunities is taken up only reluctantly.

408. **The Committee urges the State party to bring to the attention of all political parties their responsibility to achieve equality between women and men in political life, in accordance with the Committee's general recommendation 23. It also recommends that the State party adopt a comprehensive strategy including temporary special measures, in accordance with article 4, paragraph 1, of the Convention, to strengthen its efforts to increase the number of women in policy- and decision-making positions at all levels and in all areas in the public sector, and to strengthen its policies in supporting the private sector's efforts towards the promotion of women in decision-making positions.**

409. The Committee is concerned about difficulties women are facing at the university level, as reflected in the fact that men are more likely than women to complete postgraduate programmes, and in the decline in the number of women among university teachers in higher posts. The Committee is also concerned about the potential unfavourable impact on women of the existing Student Loan Scheme.

410. **The Committee recommends that the State party promote the adoption of policies within universities aimed at creating a more favourable climate for women in order to achieve equality. The Committee also recommends that the State party review the Student Loan Scheme so that it does not result in additional difficulties for women.**

411. While acknowledging the efforts undertaken by the State party to address discrimination faced by women in the labour market, the Committee is concerned that women remain disadvantaged in the labour market, that prerequisites and criteria qualify for paid parental leave may add to women's difficulties in entering the labour market and that the level of benefits does not provide an incentive for men to take up parental leave. The Committee is concerned about the persistence of a gender pay gap, occupational segregation, the high number of women in part-time work and in temporary jobs, affecting their eligibility for paid maternity leave, and the low wages paid to women. The Committee is also concerned about the difficulties women face in reconciling their personal and family lives with their professional and public responsibilities.

412. **The Committee recommends that the State party ensure equal opportunities for women and men in the public and private sectors, including through the use of temporary special measures in accordance with article 4, paragraph 1, of the Convention. It also recommends that the State party design and implement targeted job-training programmes for different groups of unemployed women. The Committee further recommends that efforts be made to eliminate occupational segregation, through education and training, the application of the principle of equal pay for work of equal and comparable value, and the promotion of additional wage increases in female-dominated sectors of employment. The Committee recommends that the State party consider further amending the Parental Leave and Employment (Paid Parental Leave) Amendment Act with a view to ensuring that pregnancy under no circumstances creates an obstacle for women entering the labour market, and to removing the specific time limit which is required to qualify for paid parental leave, and to increasing the benefits level so that men are encouraged to take parental leave.**

413. Noting that recent legislation decriminalizes prostitution by repealing some of the offences associated with prostitution and soliciting, the Committee is concerned that prostitutes continue to face risks of exploitation and violence.

414. **The Committee recommends that the State party begin immediately to monitor the implementation of this law and to provide, in its next report, an assessment of the intended as well as unintended effects of the law, in particular for those women without residence permits who are engaged in prostitution, including statistical information. The Committee also urges the State party to increase its efforts to provide training and education to prostitutes in order to ensure that they can acquire alternative means of earning their livelihood.**

415. The Committee expresses concern at the prevalence of gender-based violence, including rape and sexual and domestic violence within the family. It is also concerned at the lack of systematic data collection on violence against women, including domestic violence and sexual harassment in the workplace.

416. **The Committee recommends that the State party devise a structure for systematic collection of data on all such forms of violence against women. In the light of its general recommendation 19, the Committee calls upon the State party to ensure that all violence against women is prosecuted and punished and to provide information in its next report on the number of cases of violence reported to the police and other relevant authorities, and on the number of convictions. It further recommends that the number of shelters for women victims of violence be increased and that public officials, especially law enforcement officials, the judiciary, health-care providers and social workers, are fully sensitized to all forms of violence against women. The Committee calls upon the State party to create public awareness of violence against women as an infringement of women's human rights that has grave social costs for the whole community.**

417. The Committee is concerned that women who complain about sex discrimination, including sexual harassment, in the workplace run a serious risk of being dismissed.

418. **The Committee recommends that the State party take measures to ensure that women who file complaints against sexual harassment have a legal right to remain in their job.**

419. The Committee notes with concern that women face difficulties in accessing legal services, inter alia, because of the high fee for civil court proceedings.

420. **The Committee urges the State party to take measures to lower the threshold for women to access legal services, inter alia, through the implementation of an adequate legal aid scheme.**

421. While applauding the State party's progressive disability strategy, the Committee is concerned that discrimination against women with disabilities still exists, particularly in the areas of loans, employment and childcare, and about the situations of economic hardship they may encounter. The Committee is also concerned about the lack of economic independence of married women with disabilities.

422. **The Committee recommends that the State party take appropriate measures to ensure that disabled women do not suffer from discrimination, in particular in the areas of employment and access to health care and loans. It also recommends that the State party pay attention to the situation of disabled married women with a view to ensuring their economic independence.**

423. While recognizing the State party's efforts to address the needs of Maori and Pacific women and girls through the "Reducing Inequalities" programme, the Committee is concerned that the situation of Maori and Pacific women and girls remains unsatisfactory in many areas, particularly with regard to employment, political participation, decision-making positions in the public and private sector, the judiciary and tertiary education and economic independence. The Committee is also concerned about Maori and Pacific women and girls' unfavourable health

situation, including their limited access to health care and their high mortality rate as well as the high incidence of domestic violence and of arranged marriages. The Committee is also concerned that the Human Rights Act, 1993, does not explicitly cover non-discrimination on the basis of language and the cultural field, which are of particular relevance to Maori and Pacific women.

424. **The Committee urges the State party to continue to implement the "Treaty of Waitangi" and to monitor the impact of measures taken through the "Reducing Inequalities" programme on Maori and Pacific women and girls, in particular in the social, economic and political areas and in criminal justice. It also recommends that the State party implement targeted measures to respond to the needs of Maori and Pacific women and girls, and to continue to invest in Maori and Pacific women and girls, taking into account their linguistic and cultural interests.**

425. Taking note of the efforts made by the State party to combat discrimination against refugee and migrant women in New Zealand, the Committee expresses concern at the continuing discrimination suffered by immigrant, refugee and minority women and girls, based on their ethnic background, particularly with respect to education, health, employment, violence against women, and in regard to permanent residence status.

426. **The Committee urges the State party to take effective measures to eliminate discrimination against refugee, migrant and minority women and girls, and to strengthen its efforts to combat xenophobia and racism in New Zealand. It also encourages the State party to be more proactive in its measures to prevent discrimination against these women and girls within their communities and in society at large, to combat violence against them and to increase their awareness of the availability of social services and legal remedies, and to provide for their needs with respect to education, employment and health care. It also recommends that the State party provide in its next report more specific and analytical information and disaggregated data on these issues.**

427. **The Committee urges the State party to communicate with the Government of the Cook Islands concerning the obligation of States parties under article 18 of the Convention on the submission of initial and periodic reports on the implementation of the Convention.**

428. **The Committee urges the State party to expedite the steps necessary for the withdrawal of its remaining reservation to the Convention.**

429. **The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next report under article 18 of the Convention, due in 2006.**

430. **Taking account of the gender dimensions of declarations, programmes and platforms for action adopted by relevant United Nations conferences, summits and special sessions (such as the special session of the General Assembly to review and appraise the implementation of the Programme of Action of the International Conference on Population and Development (the twenty-first special session), the special session of the General Assembly on children (the twenty-seventh special session), the World Conference on Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Second World**

Assembly on Ageing), the Committee requests the State party to include information on the implementation of aspects of these documents relating to relevant articles of the Convention in its next periodic report.

431. The Committee requests the wide dissemination in New Zealand and its territories of the present concluding comments in order to make the people of New Zealand and its territories, and particularly government administrators and politicians, aware of the steps that have been taken to ensure de jure and de facto equality for women and the future steps required in that regard. It also requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention and its Optional Protocol, the Committee's general recommendations and the Beijing Declaration and Platform for Action, as well as the results of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

Chapter V

Activities carried out under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women

432. Article 12 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women provides that the Committee shall include in its annual report under article 21 of the Convention a summary of its activities under the Protocol.

A. Action taken by the Committee in respect of issues arising from article 2 of the Optional Protocol

433. The Committee took note of the report of the Working Group on Communications under the Optional Protocol, and of the decisions adopted by the Working Group (see annex IX to the report).

434. Based on the recommendations, the Committee requests the secretariat:

(a) To make the final paper on issues arising under the Optional Protocol available to the Committee in all languages and seek to update it regularly;

(b) To enhance cooperation with the Office of the United Nations High Commissioner for Human Rights in streamlining procedures for routing of correspondence relating to article 2 of the Optional Protocol, as outlined in paragraph 5 of the report of the Working Group of 6 May 2002 (CEDAW/C/2002/II/CRP.4);

(c) To ensure that all incoming correspondence relating to article 2 of the Optional Protocol indicates when it was received by the Division;

(d) To return to the authors all correspondence addressed to the Committee asserting claims against non-States parties, with an explanatory letter referring to article 3 of the Optional Protocol;

(e) To send acknowledgement letters to the authors of correspondence asserting claims against States parties without delay;

(f) To send standard letters to authors on admissibility criteria and requirements for registration, providing the Convention, the Optional Protocol and the Committee's model communication form, as soon as possible;

(g) To prepare a background note on the practice of applying interim measures by other human rights treaty bodies;

(h) To make efforts to further disseminate the Convention, the Optional Protocol and the model communication form with the assistance of United Nations entities, including regional commissions and United Nations Information Centres.

435. Furthermore, the Committee agreed to:

(a) Raise questions, during the constructive dialogue with reporting States parties to the Optional Protocol, about enabling legislation or other measures to implement possible views and recommendations of the Committee on

communications, and that the Committee recommend in its concluding comments to these States parties the adoption of such measures;

(b) Agree to keep under review the proposal of the Working Group to consider, in future, preparing a general recommendation on the right to an effective remedy under the Convention, in particular under article 2 (c), under which States parties "undertake ... to establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination", and in accordance with article 4 of the Optional Protocol;

(c) Explore the possibility of convening a seminar in relation to potential communications under articles of the Convention in view of, inter alia, the Maastricht Guidelines on Violations of Economic, Social and Cultural Rights,[f] and to consider the modalities of such a seminar at a later stage.

B. Action taken by the Committee in respect of issues arising from article 8 of the Optional Protocol

436. In accordance with article 8, paragraph 1, of the Optional Protocol, if the Committee receives reliable information indicating grave or systematic violations by a State party of rights set forth in the Convention, the Committee shall invite that State party to cooperate in the examination of the information and to this end to submit observations with regard to the information concerned.

437. In accordance with rule 77 of the Committee's rules of procedure, the Secretary-General shall bring to the attention of the Committee information that is or appears to be submitted for the Committee's consideration under article 8, paragraph 1, of the Optional Protocol.

438. The Committee continued the work under article 8 of the Optional Protocol which it had commenced at its twenty-eighth session (see A/58/38 (Part I), paras. 439-442).

439. In accordance with the provisions of rules 80 and 81 of the Committee's rules of procedure, all documents and proceedings of the Committee relating to its functions under article 8 of the Optional Protocol are confidential and all the meetings concerning its proceedings under that article are closed.

Chapter VI

Ways and means of expediting the work of the Committee

440. The Committee considered agenda item 6, Ways and means of expediting the work of the Committee, at its 609th and 628th meetings, on 30 June and 18 July 2003.

441. In introducing the item, the Chief of the Women's Rights Section of the Division for the Advancement of Women, Department of Economic and Social Affairs of the United Nations Secretariat, drew attention to the report of the secretariat (CEDAW/C/2003/II/4). Also before the Committee would be three working papers requested by the Committee at its twenty-eighth session, namely: (a) a paper containing an analysis of the *travaux préparatoires* on article 6 of the Convention and the concluding comments of the Committee in respect of prostitution and trafficking; (b) a paper compiling information on the approach, if any, of other treaty bodies concerning the aspect of "sexual orientation" as it relates to discrimination and the enjoyment of human rights; and (c) a compilation of profiles of non-reporting States, including priority non-reporting States, long-term non-reporting States and short-term non-reporting States, in order to facilitate the Committee's analysis of the root causes of non-reporting.

Action taken by the Committee under agenda item 6

Members of the pre-session working group for the thirtieth and thirty-first sessions

442. The Committee decided that the members of the pre-session working group for the thirtieth session should be:

Ms. Huguette Bokpe Gnacadja (Africa)
Ms. Salma Khan (Asia)
Ms. Dubravka Šimonović (Eastern Europe)
Ms. Maria Regina Tavares da Silva (Western Europe and Other)
Ms. Aída González Martínez (Latin America and the Caribbean)

443. The Committee decided that the members of the pre-session working group for the thirty-first session and their alternates should be:

Members:

Ms. Yolanda Ferrer Gómez (Latin America and the Caribbean)
Ms. Françoise Gaspard (Europe)
Ms. Rosario Manalo (Asia)
Ms. Pramila Patten (Africa)
Ms. Victoria Popescu (Eastern Europe)

Alternates:

Ms. Meriem Belmihoub-Zerdani (Africa)
Ms. Fumiko Saiga (Asia)
Ms. Aída González Martínez (Latin America and the Caribbean)

Dates of the thirtieth session, the pre-session working group for the thirty-first session and the Working Group on Communications under the Optional Protocol to the Convention

444. In accordance with the draft calendar of conferences and meetings for 2004, the thirtieth session of the Committee will be held from 12 to 30 January 2004. The pre-session working group for the thirty-first session will be held from 2 to 6 February 2004. The Working Group on Communications under the Optional Protocol will be held from 7 to 9 January 2004. The Committee recommends that interpretation services be provided to the Working Group on Communications under the Optional Protocol.

445. The Committee, at its thirtieth session, will review its original decision to hold the Working Group on Communications under the Optional Protocol for a duration of five days.

Dates of the thirty-first session, the pre-session working group for the thirty-second session and the Working Group on Communications under the Optional Protocol

446. In accordance with the draft calendar of conferences and meetings for 2004, the thirty-first session of the Committee will be held from 5 to 23 July 2004. The pre-session working group for the thirty-second session will be held from 26 to 30 July 2004. The Working Group on Communications under the Optional Protocol will be held from 30 June to 2 July 2004. The Committee recommends that interpretation services be provided to the Working Group on Communications under the Optional Protocol.

447. The Chief of the Women's Rights Section read out a statement on conference-servicing requirements concerning the provision of full conference services, including interpretation, for the Working Group on Communications under the Optional Protocol (see annex VIII).

Reports to be considered at future sessions of the Committee

448. The Committee decided to consider the following reports at its thirtieth and thirty-first sessions:

(a) Thirtieth session

(i) Initial reports:

Bhutan;

Kuwait;

(ii) Second periodic reports:

Kyrgyzstan;

(iii) Combined second and third periodic reports:

Nepal;

(iv) Combined fourth and fifth periodic reports:

Ethiopia;

Nigeria;

(v) Combined fourth, fifth and sixth periodic reports:

Belarus;

(vi) Fifth periodic reports:

Germany;

(b) Thirty-first session:

(i) Initial, second and third periodic reports:

Angola;

Malta;

Latvia;

(ii) Second and third periodic reports:

Equatorial Guinea;

(iii) Fifth periodic reports:

Bangladesh;

Dominican Republic;

Spain;

(iv) Follow-up report:

Argentina.

Enhancing the Committee's working methods under article 18 of the Convention

Follow-up to the recommendations of the fifteenth meeting of persons chairing the human rights treaty bodies and the second Inter-Committee Meeting

449. The Committee noted the recommendations and points of agreement reached at the fifteenth meeting of the persons chairing the human rights treaty bodies and at the second Inter-Committee Meeting, respectively. It considered several of those recommendations and points of agreement at its twenty-ninth session and agreed to continue consideration of other outstanding issues at future sessions. It requested the secretariat to include, in the next report on ways and means of expediting the work of the Committee, a synopsis of the Committee's working methods in relation to the recommendations of the chairpersons' meeting in order to facilitate further discussion, as well as to facilitate reporting by the Committee's Chairperson to the sixteenth meeting of the chairpersons in 2004.

450. The Committee concurred with the agreed view of the second Inter-Committee Meeting, and reaffirmed by the fifteenth meeting of the persons chairing the human rights treaty bodies, that the proposal that each State should be allowed to produce a single report summarizing its adherence to the full range of international human rights treaties to which it is a party would not adequately meet the overriding

concerns and objectives of strengthening the implementation of human rights obligations at the national level. It also concurred that those concerns and objectives could be met more appropriately by requiring States parties to human rights treaties to prepare an expanded core document which would be regularly updated, as well as treaty-specific targeted reports to individual treaty bodies.

Expanded core document and revision of the related guidelines

451. In order to consider, at its thirtieth session, the draft guidelines for an expanded core document that will be prepared by the secretariat (see para. 41 of the report of the Inter-Committee Meeting) for consideration by each Committee and adoption by the third Inter-Committee Meeting in 2004, the Committee decided to establish a small intersessional working group to consider, via electronic communication, those elements and issues which, in the Committee's view, should be usefully included in such an expanded core document, including substantive human rights issues relating to provisions in all or several human rights treaties. Based on those elements, the working group would also consider proposals for the revision of the relevant guidelines. The following members were appointed to the working group: Ms. Heisoo Shin, Ms. Victoria Popescu and Ms. Hanna Beate Schöpp-Schilling.

Consideration of reports of States parties

452. As part of its ongoing efforts of enhancing its working methods, and in particular to achieve timely consideration of States parties' reports as soon as possible after they are submitted, the Committee decided to consider the option of holding meetings in parallel working groups for the consideration of periodic reports submitted under article 18 of the Convention. It requested the secretariat to prepare a note, as part of the report on ways and means of expediting the work of the Committee, for discussion at its thirtieth session, on the implications, and possible modalities, of the consideration of reports of States parties in two parallel working groups, or chambers. The note should address questions such as the number of reports to be considered, composition of working groups, allocation of reports to working groups, implications with regard to the Committee's rules of procedure, tasks of country rapporteurs and of the pre-session working group, preparation and adoption of concluding comments, as well as implications for secretariat support, and financial implications.

Implementation of the Committee's strategy to encourage States parties to report in accordance with article 18 of the Convention

453. The Committee noted with concern that, as of May 2003, the initial reports of 29 States parties were more than five years overdue, several of them by as many as 20 years. In addition, 25 States parties were more than five years overdue in submitting periodic reports.

454. The Committee expressed the hope that the closed meeting held on 16 July 2003 with States parties whose reports were more than five years overdue would contribute to improved adherence by those States parties to their reporting obligations under article 18 of the Convention. The Committee reiterated its incremental measures to encourage reporting, agreed upon at its twenty-seventh session.[2] It also reiterated its decision 23/II on overdue reports, according to which States parties with overdue reports are invited to combine those outstanding reports into a single report, on an exceptional basis and as a temporary measure in order to

address the backlog of reports awaiting consideration and encourage States parties to fulfil their reporting obligations.

455. The Committee decided that its Chairperson would send a letter to the Administrator of UNDP, drawing attention to the Convention and its reporting obligations, and the constraints and challenges in reporting that many States parties whose reports are substantially overdue encounter when attempting to adhere to the reporting obligations. The Chairperson would urge the Administrator to make every effort to provide support for such States parties, at their request, in fulfilling their reporting obligations under article 18 of the Convention.

456. The Committee decided on the following modalities for implementing its incremental approach to encourage reporting:

(a) In a first phase:

(i) A reminder concerning outstanding reporting obligations will be sent to those States parties whose initial reports are more than five years overdue, as of 18 July 2003, the closing date of the Committee's twenty-ninth session;

(ii) The reminders addressed to these States parties will be signed by the Chairperson of the Committee;

(iii) The reminders will draw these States parties' attention also to the Committee decision 23/II on combination of overdue reports;

(iv) The reminders will draw attention to the Committee's reporting guidelines, noting applicability of the guidelines for initial reports, and that reports should be as concise as possible and not exceed 100 pages; the reporting guidelines will be attached to the reminders;

(v) Attention will be drawn to the availability of technical assistance on reporting from the United Nations Secretariat (Division for the Advancement of Women; Office of the High Commissioner for Human Rights), at the request of States parties. Support available from other entities of the United Nations system, non-governmental organizations and through bilateral development cooperation, at States parties' request, in the protection and promotion of human rights and implementation of the Convention will also be noted;

(b) In a second phase, the Committee:

(i) Will assess the results of these modalities at its thirtieth session, with particular attention to the implications for the Committee's working methods in the consideration of States parties' reports;

(ii) Convene a follow-up meeting at its thirty-first session with those States parties whose initial reports are more than five years overdue as of May 2004;

(iii) Revisit the modalities of the first phase with a view to expanding these measures to include some, or all of the States parties whose periodic reports are more than five years overdue;

(iv) Include, in its annual report to the General Assembly at its fifty-ninth session in 2004, covering the Committee's thirtieth and thirty-first sessions, a list of those States parties that will not have responded to the Committee's reminders as of 23 July 2004, the closing date of the Committee's thirty-first session.

Summary records

457. The Committee noted with concern the late or non-issuance of the summary records of its sessions. It requested the secretariat to clarify the reasons for those delays, and to inform the Committee accordingly at its thirtieth session. The Committee also requested that the Chairperson address a letter on the matter to the responsible officials in the secretariat.

Letter with regard to the situation of women in post-war Iraq

458. The Committee decided to send a letter to the Special Representative of the Secretary-General for Iraq and the United Nations High Commissioner for Human Rights on the need to take into consideration the Convention on the Elimination of All Forms of Discrimination against Women with regard to the situation of women in post-war Iraq (see annex VII).

Request for a combined second and third periodic report

459. The Committee decided to request the Government of India to indicate, by 15 December 2003, the anticipated date of submission of its combined second and third periodic reports (due on 8 August 1998 and 8 August 2002, respectively), including information on the events in Gujarat and their impact on women.

Chapter VII

Implementation of article 21 of the Convention

460. The Committee considered agenda item 6, on the implementation of article 21 of the Convention, at its 609th and 628th meetings.

461. The item was introduced by the Chief of the Women's Rights Section of the Division for the Advancement of Women, Department of Economic and Social Affairs of the United Nations Secretariat, who drew attention to a note by the Secretary-General on the reports of specialized agencies (CEDAW/C/2003/II/3) and the reports of specialized agencies on the implementation of the Convention in areas falling within the scope of their activity (CEDAW/C/2003/II/3/Add.1, 3 and 4).

Action taken by the Committee under agenda item 7

1. Interaction with specialized agencies and other entities of the United Nations system

462. The Committee was concerned at the limited engagement of entities of the United Nations system with the work of the Committee. It noted in particular that some specialized agencies that traditionally had submitted written information to the Committee in accordance with article 22 of the Convention failed to do so at its twenty-ninth session, or submitted this information too late for timely issuance for the session of the Committee. The Committee was also disappointed at the very small number of United Nations entities that took advantage of the opportunity to provide the Committee with country information in a closed meeting at the beginning of the session, and during the pre-session working group for the twenty-ninth session. In that regard, the Committee noted with appreciation the information provided by the Special Adviser on Gender Issues and Advancement of Women in her introductory statement to the Committee that the Inter-agency Network on Women and Gender Equality, which she chaired, would discuss, at its next session in February 2004, opportunities to support implementation of the Convention and follow-up to the Committee's concluding comments in a more systematic and sustained manner at the national level, as well as ways for integrating the Convention as part of their overall programming. The Committee reiterated its suggestion 25/2 containing guidelines for the reports of United Nations bodies and specialized agencies. Members of the Committee also noted that the system of focal points for liaising with certain United Nations bodies and entities did not seem to function very well.

463. The Committee requested the secretariat to bring the Committee's concern, as well as suggestion 25/2 to the attention of those bodies. The secretariat was also requested to send follow-up correspondence to the relevant United Nations entities to identify the Committee's focal points, to encourage those entities to designate their own focal points for liasing with the relevant Committee member and to establish contact with her/him to discuss ways and means for interaction with the Committee.

2. General recommendation on article 4 (1) of the Convention

464. The Committee took note with appreciation of the draft text prepared by Ms. Schöpp-Schilling of a general recommendation on article 4.1 of the Convention based on the background papers she had prepared with the assistance of the secretariat, and the discussions held between the Committee and interested United Nations agencies and non-governmental organizations, and drawing on the results of the Maastricht expert meeting. The Committee endorsed a procedure whereby a small drafting group, consisting of Ms. Patten, Mr. Flinterman and Ms. Gaspard, would support Ms. Schöpp-Schilling in further revising the draft. All members of the Committee were invited to submit their specific comments and proposals on the draft to the Working Group, through the secretariat, no later than 15 September 2003. The Committee also agreed to circulate the draft in its present form to other human rights treaty bodies for their comments and input, noting that the draft also remains under consideration in the Committee. Such input should reach the secretariat no later than 15 September 2003. The Working Group would hold a two-day meeting in October for the purpose of finalizing the draft, and submit it to the secretariat by early November 2003 for translation into all languages. The Committee decided that the general recommendations should be adopted by the Committee at its thirtieth session in January 2004.

Chapter VIII

Provisional agenda for the thirtieth session

465. The Committee considered the draft provisional agenda for its thirtieth session at its 628th meeting (see CEDAW/C/SR.628). The Committee decided to approve the following provisional agenda for the session:

1. Opening of the session.
2. Solemn declaration by new members of the Committee.
3. Adoption of the agenda and organization of work.
4. Report of the Chairperson on activities undertaken between the twenty-ninth and thirtieth sessions of the Committee.
5. Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women.
6. Implementation of article 21 of the Convention on the Elimination of All Forms of Discrimination against Women.
7. Ways and means of expediting the work of the Committee.
8. Activities of the Committee under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.
9. Provisional agenda for the thirty-first session.
10. Adoption of the report of the Committee on its thirtieth session.

Chapter IX
Adoption of the report

466. The Committee considered the draft report on its twenty-ninth session (CEDAW/C/2003/II/L.1 and CEDAW/C/2003/II/CRP.3 and Add.1-9) at its 628th meeting (see CEDAW/C/SR.628), and adopted it, as orally revised during the discussion.

Notes

[1] See *Human Rights Quarterly*, vol. 20, No. 3, August 1998 (the Johns Hopkins University Press).

[2] See *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 38* (A/57/38), Part two, para. 369.

Annex I

States parties to the Convention on the Elimination of All Forms of Discrimination against Women, as at 1 August 2003

States parties	*Date of receipt of the instrument of ratification or accession (a), succession (b)*	*Date of entry into force*
Afghanistan	5 March 2003	3 April 2003
Albania	11 May 1994[a]	10 June 1994
Algeria	22 May 1996[a]	21 June 1996
Andorra	15 January 1997[a]	14 February 1997
Angola	17 September 1986[a]	17 October 1986
Antigua and Barbuda	1 August 1989[a]	31 August 1989
Argentina	15 July 1985	14 August 1985
Armenia	13 September 1993[a]	13 October 1993
Australia	28 July 1983	27 August 1983
Austria	31 March 1982	30 April 1982
Azerbaijan	10 July 1995[a]	9 August 1995
Bahamas	8 October 1993[a]	7 November 1993
Bahrain	18 June 2002[a]	18 July 2002
Bangladesh	6 November 1984[a]	6 December 1984
Barbados	16 October 1980	3 September 1981
Belarus	4 February 1981	3 September 1981
Belgium	10 July 1985	9 August 1985
Belize	16 May 1990	15 June 1990
Benin	12 March 1992	11 April 1992
Bhutan	31 August 1981	30 September 1981
Bolivia	8 June 1990	8 July 1990
Bosnia and Herzegovina	1 September 1993[b]	1 October 1993
Botswana	13 August 1996[a]	12 September 1996
Brazil	1 February 1984	2 March 1984
Bulgaria	8 February 1982	10 March 1982
Burkina Faso	14 October 1987[a]	13 November 1987
Burundi	8 January 1992	7 February 1992
Cambodia	15 October 1992[a]	14 November 1992
Cameroon	23 August 1994	22 September 1994
Canada	10 December 1981	9 January 1982
Cape Verde	5 December 1980[a]	3 September 1981
Central African Republic	21 June 1991[a]	21 July 1991
Chad	9 June 1995[a]	9 July 1995
Chile	7 December 1989	6 January 1990

States parties	*Date of receipt of the instrument of ratification or accession (a), succession (b)*	*Date of entry into force*
China	4 November 1980	3 September 1981
Colombia	19 January 1982	18 February 1982
Comoros	31 October 1994[a]	30 November 1994
Congo	26 July 1982	25 August 1982
Costa Rica	4 April 1986	4 May 1986
Côte d'Ivoire	18 December 1995	17 January 1996
Croatia	9 September 1992[b]	9 October 1992
Cuba	17 July 1980	3 September 1981
Cyprus	23 July 1985[a]	22 August 1985
Czech Republic[c]	22 February 1993[b]	24 March 1993
Democratic People's Republic of Korea	27 February 2001[a]	29 April 2001
Democratic Republic of the Congo[d]	17 October 1986	16 November 1986
Denmark	21 April 1983	21 May 1983
Djibouti	2 December 1998[a]	1 January 1999
Dominica	15 September 1980	15 October 1980
Dominican Republic	2 September 1982	2 October 1982
Ecuador	9 November 1981	9 December 1981
Egypt	18 September 1981	18 October 1981
El Salvador	19 August 1981	18 September 1981
Equatorial Guinea	23 October 1984[a]	22 November 1984
Eritrea	5 September 1995[a]	5 October 1995
Estonia	21 October 1991[a]	20 November 1991
Ethiopia	10 September 1981	10 October 1981
Fiji	28 August 1995[a]	27 September 1995
Finland	4 September 1986	4 October 1986
France	14 December 1983	13 January 1984
Gabon	21 January 1983	20 February 1983
Gambia	16 April 1993	16 May 1993
Georgia	26 October 1994[a]	25 November 1994
Germany[e]	10 July 1985	9 August 1985
Ghana	2 January 1986	1 February 1986
Greece	7 June 1983	7 July 1983
Grenada	30 August 1990	29 September 1990
Guatemala	12 August 1982	11 September 1982
Guinea	9 August 1982	8 September 1982
Guinea-Bissau	23 August 1985	22 September 1985
Guyana	17 July 1980	3 September 1981

States parties	*Date of receipt of the instrument of ratification or accession (a), succession (b)*	*Date of entry into force*
Haiti	20 July 1981	3 September 1981
Honduras	3 March 1983	2 April 1983
Hungary	22 December 1980	3 September 1981
Iceland	18 June 1985	18 July 1985
India	9 July 1993	8 August 1993
Indonesia	13 September 1984	13 October 1984
Iraq	13 August 1986[a]	12 September 1986
Ireland	23 December 1985[a]	22 January 1986
Israel	3 October 1991	2 November 1991
Italy	10 June 1985	10 July 1985
Jamaica	19 October 1984	18 November 1984
Japan	25 June 1985	25 July 1985
Jordan	1 July 1992	31 July 1992
Kazakhstan	26 August 1998[a]	25 September 1998
Kenya	9 March 1984[a]	8 April 1984
Kuwait	2 September 1994[a]	2 October 1994
Kyrgyzstan	10 February 1997[a]	12 March 1997
Lao People's Democratic Republic	14 August 1981	13 September 1981
Latvia	14 April 1992[a]	14 May 1992
Lebanon	16 April 1997[a]	16 May 1997
Lesotho	22 August 1995	21 September 1995
Liberia	17 July 1984[a]	16 August 1984
Libyan Arab Jamahiriya	16 May 1989[a]	15 June 1989
Liechtenstein	22 December 1995[a]	21 January 1996
Lithuania	18 January 1994[a]	17 February 1994
Luxembourg	2 February 1989	4 March 1989
Madagascar	17 March 1989	16 April 1989
Malawi	12 March 1987[a]	11 April 1987
Malaysia	5 July 1995[a]	4 August 1995
Maldives	1 July 1993[a]	31 July 1993
Mali	10 September 1985	10 October 1985
Malta	8 March 1991[a]	7 April 1991
Mauritania	10 May 2001[a]	9 June 2001
Mauritius	9 July 1984[a]	8 August 1984
Mexico	23 March 1981	3 September 1981
Mongolia	20 July 1981	3 September 1981
Morocco	21 June 1993[a]	21 July 1993
Mozambique	21 April 1997[a]	21 May 1997

States parties	*Date of receipt of the instrument of ratification or accession (a), succession (b)*	*Date of entry into force*
Myanmar	22 July 1997[a]	21 August 1997
Namibia	23 November 1992[a]	23 December 1992
Nepal	22 April 1991	22 May 1991
Netherlands	23 July 1991	22 August 1991
New Zealand	10 January 1985	9 February 1985
Nicaragua	27 October 1981	26 November 1981
Niger	8 October 1999[a]	7 November 1999
Nigeria	13 June 1985	13 July 1985
Norway	21 May 1981	3 September 1981
Pakistan	12 March 1996[a]	11 April 1996
Panama	29 October 1981	28 November 1981
Papua New Guinea	12 January 1995[a]	11 February 1995
Paraguay	6 April 1987[a]	6 May 1987
Peru	13 September 1982	13 October 1982
Philippines	5 August 1981	4 September 1981
Poland	30 July 1980	3 September 1981
Portugal	30 July 1980	3 September 1981
Republic of Korea	27 December 1984	26 January 1985
Republic of Moldova	1 July 1994	31 July 1994
Romania	7 January 1982	6 February 1982
Russian Federation	23 January 1981	3 September 1981
Rwanda	2 March 1981	3 September 1981
Saint Kitts and Nevis	25 April 1985[a]	25 May 1985
Saint Lucia	8 October 1982[a]	7 November 1982
Saint Vincent and the Grenadines	4 August 1981[a]	3 September 1981
Samoa	25 September 1992[a]	25 October 1992
Sao Tome and Principe	3 June 2003	2 July 2003
Saudi Arabia	7 September 2000	7 October 2000
Senegal	5 February 1985	7 March 1985
Serbia and Montenegro	12 March 2001[b]	10 April 2001
Seychelles	5 May 1992[a]	4 June 1992
Sierra Leone	11 November 1988	10 December 1988
Singapore	5 October 1995[a]	4 November 1995
Slovakia	28 May 1993[a]	27 June 1993
Slovenia	6 July 1992[b]	5 August 1992
Solomon Islands	6 May 2002[a]	4 June 2002
South Africa	15 December 1995	14 January 1996
Spain	5 January 1984	4 February 1984
Sri Lanka	5 October 1981	4 November 1981

States parties	*Date of receipt of the instrument of ratification or accession (a), succession (b)*	*Date of entry into force*
Suriname	1 March 1993[a]	31 March 1993
Sweden	2 July 1980	3 September 1981
Switzerland	27 March 1997	26 April 1997
Syrian Arab Republic	18 March 2003[a]	16 April 2003
Tajikistan	26 October 1993[a]	25 November 1993
Thailand	9 August 1985[a]	8 September 1985
The former Yugoslav Republic of Macedonia	18 January 1994[b]	17 February 1994
Timor-Leste	16 April 2003[a]	14 May 2003
Togo	26 September 1983[a]	26 October 1983
Trinidad and Tobago	12 January 1990	11 February 1990
Tunisia	20 September 1985	20 October 1985
Turkey	20 December 1985[a]	19 January 1986
Turkmenistan	1 May 1997[a]	31 May 1997
Tuvalu	6 October 1999[a]	5 November 1999
Uganda	22 July 1985	21 August 1985
Ukraine	12 March 1981	3 September 1981
United Kingdom of Great Britain and Northern Ireland	7 April 1986	7 May 1986
United Republic of Tanzania	20 August 1985	19 September 1985
Uruguay	9 October 1981	8 November 1981
Uzbekistan	19 July 1995[a]	18 August 1995
Vanuatu	8 September 1995[a]	8 October 1995
Venezuela	2 May 1983	1 June 1983
Viet Nam	17 February 1982	19 March 1982
Yemen[f]	30 May 1984[a]	29 June 1984
Zambia	21 June 1985	21 July 1985
Zimbabwe	13 May 1991[a]	12 June 1991

[a] Ratification, accession.

[b] Succession.

[c] Before becoming separate States on 1 January 1993, the Czech Republic and Slovakia formed part of Czechoslovakia which had ratified the Convention on 16 February 1982.

[d] Effective 17 May 1997, Zaire was renamed Democratic Republic of the Congo.

[e] With effect from 3 October 1990, the German Democratic Republic (which ratified the Convention on 9 July 1980) and the Federal Republic of Germany (which ratified the Convention on 10 July 1985) united to form one sovereign State, which acts in the United Nations under the designation Germany.

[f] On 22 May 1990, Democratic Yemen and Yemen merged to form a single State, which acts in the United Nations under the designation Yemen.

Annex II

States parties which have deposited with the Secretary-General instruments of acceptance of the amendment to article 20, paragraph 1, of the Convention

States parties	*Acceptance date*
Andorra	14 October 2002
Australia	4 June 1998
Austria	11 September 2000
Bahamas	17 January 2003
Brazil	5 March 1997
Canada	3 November 1997
Chile	8 May 1998
China	10 July 2002
Cyprus	30 July 2002
Denmark	12 March 1996
Egypt	2 August 2001
Finland	18 March 1996
France	8 August 1997
Germany	25 February 2002
Guatemala	3 June 1999
Iceland	8 May 2002
Italy	31 May 1996
Japan	12 June 2003
Jordan	11 January 2002
Lesotho	12 November 2001
Liechtenstein	15 April 1997
Luxembourg	1 July 2003
Madagascar	19 July 1996
Maldives	7 February 2002
Mali	20 June 2002
Malta	5 March 1997
Mauritius	29 October 2002
Mexico	16 September 1996
Mongolia	19 December 1997
Netherlands[a]	10 December 1997
New Zealand	26 September 1996
Niger	1 May 2002
Norway	29 March 1996
Panama	5 November 1996
Portugal	8 January 2002

States parties	*Acceptance date*
Republic of Korea	12 August 1996
Sweden	17 July 1996
Switzerland	2 December 1997
Turkey	9 December 1999
United Kingdom of Great Britain and Northern Ireland[b]	19 November 1997

[a] For the Kingdom in Europe, the Netherlands Antilles and Aruba.
[b] For the United Kingdom of Great Britain and Northern Ireland, the Isle of Man, the British Virgin Islands, and the Turks and Caicos Islands.

Annex III

States parties which have signed, ratified or acceded to the Optional Protocol to the Convention

States parties	*Date signed*	*Ratification, accession[a]*
Albania		23 June 2003[a]
Andorra	9 July 2001	14 October 2002
Argentina	28 February 2000	
Austria	10 December 1999	6 September 2000
Azerbaijan	6 June 2000	1 June 2001
Bangladesh	6 September 2000	6 September 2000
Belarus	29 April 2002	
Belgium	10 December 1999	
Belize		9 December 2002[a]
Benin	25 May 2000	
Bolivia	10 December 1999	27 September 2000
Bosnia and Herzegovina	7 September 2000	4 September 2002
Brazil	13 March 2001	28 June 2002
Bulgaria	6 June 2000	
Burkina Faso	16 November 2001	
Burundi	13 November 2001	
Cambodia	11 November 2001	
Canada		18 October 2002[a]
Chile	10 December 1999	
Colombia	10 December 1999	
Costa Rica	10 December 1999	20 September 2001
Croatia	5 June 2000	7 March 2001
Cuba	17 March 2000	
Cyprus	8 February 2001	26 April 2002
Czech Republic	10 December 1999	26 February 2001
Denmark	10 December 1999	31 May 2000
Dominican Republic	14 March 2000	10 August 2001
Ecuador	10 December 1999	5 February 2002
El Salvador	4 April 2001	
Finland	10 December 1999	29 December 2000
France	10 December 1999	9 June 2000
Georgia		1 August 2002[a]
Germany	10 December 1999	15 January 2002
Ghana	24 February 2000	
Greece	10 December 1999	24 January 2002
Guatemala	7 September 2000	9 May 2002

States parties	*Date signed*	*Ratification, accession[a]*
Guinea-Bissau	12 September 2000	
Hungary		22 December 2000[a]
Iceland	10 December 1999	6 March 2001
Indonesia	28 February 2000	
Ireland	7 September 2000	7 September 2000
Italy	10 December 1999	22 September 2000
Kazakhstan	6 September 2000	24 August 2001
Kyrgyzstan		22 July 2002[a]
Lesotho	6 September 2000	
Liechtenstein	10 December 1999	24 October 2001
Lithuania	8 September 2000	
Luxembourg	10 December 1999	1 July 2003
Madagascar	7 September 2000	
Malawi	7 September 2000	
Mali		5 December 2000[a]
Mauritius	11 November 2001	
Mexico	10 December 1999	15 March 2002
Mongolia	7 September 2000	28 March 2002
Namibia	19 May 2000	26 May 2000
Nepal	18 December 2001	
Netherlands[1]	10 December 1999	22 May 2002
New Zealand[2]	7 September 2000	7 September 2000
Nigeria	8 September 2000	
Norway	10 December 1999	5 March 2002
Panama	9 June 2000	9 May 2001
Paraguay	28 December 1999	14 May 2001
Peru	22 December 2000	9 April 2001
Philippines	21 March 2000	
Portugal	16 February 2000	26 April 2002
Romania	6 September 2000	
Russian Federation	8 May 2001	
Sao Tome and Principe	6 September 2000	
Senegal	10 December 1999	26 May 2000
Seychelles	22 July 2002	
Sierra Leone	8 September 2000	
Slovakia	5 June 2000	17 November 2000
Slovenia	10 December 1999	
Solomon Islands		6 May 2002[a]
Spain	14 March 2000	6 July 2001
Sri Lanka		15 October 2002[a]

States parties	*Date signed*	*Ratification, accession*[a]
Sweden	10 December 1999	24 April 2003
Tajikistan	7 September 2000	
Thailand	14 June 2000	14 June 2000
The former Yugoslav Republic of Macedonia	3 April 2000	
Timor-Leste		16 April 2003[a]
Turkey	8 September 2000	29 October 2003
Ukraine	7 September 2000	
Uruguay	9 May 2000	26 July 2001
Venezuela	17 March 2000	13 May 2002

[1] For the Kingdom in Europe and the Netherlands Antilles and Aruba.

[2] With a declaration to the effect that "consistent with the constitutional status of Tokelau and taking into account its commitment to the development of self-government through an act of self-determination under the Charter of the United Nations, this ratification shall not extend to Tokelau unless and until a Declaration to this effect is lodged by the Government of New Zealand with the depositary on the basis of appropriate consultation with that territory".

[3] Accession.

Annex IV

Membership of the Committee on the Elimination of Discrimination against Women

Name of member	*Country of nationality*
Ayse Feride Acar*	Turkey
Siamsiah Achmad*	Indonesia
Meriem Belmihoub-Zerdani**	Algeria
Cornelis Flinterman**	The Netherlands
Naela Gabr**	Egypt
Françoise Gaspard*	France
Huguette Bokpe Gnancadja**	Benin
Yolanda Ferrer Gómez*	Cuba
Aida González Martínez*	Mexico
Christine Kapalata*	United Republic of Tanzania
Salma Khan**	Bangladesh
Fatima Kwaku*	Nigeria
Rosario Manalo**	Philippines
Goran Melander*	Sweden
Krisztina Morvai**	Hungary
Pramila Patten**	Mauritius
Victoria Popescu**	Romania
Fumiko Saiga**	Japan
Hanna Beate Schöpp-Schilling*	Germany
Hetsoo Shin*	Republic of Korea
Dubravka Šimonovic**	Croatia
Maria Regina Tavares da Silva*	Portugal

* Term of office expires in 2004.
** Term of office expires in 2006.

Annex V

Documents before the Committee at its twenty-eighth and twenty-ninth sessions

Document number	*Title or description*
A. Twenty-eighth session	
CEDAW/C/2003/I/1	Annotated provisional agenda
CEDAW/C/2003/I/2	Report of the Secretary-General on the status of submission of reports by States parties under article 18 of the Convention
CEDAW/C/2003/I/3	Note by the Secretary-General on reports provided by specialized agencies on the implementation of the Convention in areas falling within the scope of their activities
CEDAW/C/2003/I/3/Add.1	Report of the Food and Agriculture Organization of the United Nations
CEDAW/C/2002/I/3/Add.3	Report of the United Nations Educational, Scientific and Cultural Organization
CEDAW/C/2003/I/3/Add.4	Report of the International Labour Organization
CEDAW/C/2003/I/4	Report of the Secretariat on ways and means of expediting the work of the Committee
Reports of States parties	
CEDAW/C/ALB/1-2	Combined initial and second periodic report of Albania
CEDAW/C/CHE/1-2 and Add.1	Combined initial, second periodic report of Switzerland
CEDAW/C/COG/1-5	Combined initial, second, third, fourth and fifth periodic report of the Congo
CEDAW/C/KEN/3-4	Combined third and fourth periodic report of Kenya
CEDAW/C/SLV/3-4 CEDAW/C/SLV/5 CEDAW/C/SLV6	Combined third and fourth periodic report; fifth periodic report and sixth periodic report of El Salvador
CEDAW/C/LUX/4	Fourth periodic report of Luxembourg
CEDAW/C/CAN/5	Fifth periodic reports of Canada
CEDAW/C/NOR/5 and CEDAW/C/NOR/6	Fifth and sixth periodic report of Norway
B. Twenty-ninth session	
CEDAW/C/2003/II/1	Annotated provisional agenda
CEDAW/C/2003/II/2	Report of the Secretary-General on the status of submission of reports by States parties under article 18 of the Convention
CEDAW/C/2003/II/3	Note by the Secretary-General on reports provided by specialized agencies on the implementation of the Convention in areas falling within the scope of their activities
CEDAW/C/2003/II/3/Add.1	Report of the Food and Agriculture Organization of the United Nations
CEDAW/C/2003/II/3/Add.3	Report of the United Nations Educational, Scientific and Cultural Organization

Document number	*Title or description*
CEDAW/C/2003/II/3/Add.4	Report of the International Labour Organization
CEDAW/C/2003/II/4	Report of the Secretariat on ways and means of improving the work of the Committee
Reports of States parties	
CEDAW/C/CRI/1-3 and CEDAW/C/CRI/4	Combined initial, second and third periodic report and fourth periodic report of Costa Rica
CEDAW/C/BRA/1-5	Combined initial, second, third and fourth periodic report of Brazil
CEDAW/C/MOR/2	Second periodic report of Morocco
CEDAW/C/SVN/2 and CEDAW/C/SVN/3	Second and third periodic report of Slovenia
CEDAW/C/FRA/3 CEDAW/C/FRA/3-4/Corr.1 and CEDAW/C/FRA/5	Combined third and fourth periodic report and fifth periodic report of France
CEDAW/C/ECU/4-5	Combined fourth and fifth periodic report of Ecuador
CEDAW/C/JPN/4 CEDAW/C/JPN/5	Fourth and fifth periodic reports of Japan
CEDAW/C/NZL/5	Fifth periodic report of New Zealand

Annex VI

Status of submission and consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women, as at 8 August 2003

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
A. Initial reports			
Albania	10 June 1995	20 May 2002 (CEDAW/C/ALB/1-2)	Twenty-eighth (2003)
Algeria	21 June 1997	1 September 1998 (CEDAW/C/DZA/1) 1 December 1998 (CEDAW/C/DZA/1/Add.1)	Twentieth (1999)
Andorra	14 February 1998	23 June 2000 (CEDAW/C/AND/1)	Twenty-fifth (2001)
Angola	17 October 1987	2 May 2002 (CEDAW/C/AGO/1-3)	
Antigua and Barbuda	31 August 1990	21 September 1994 (CEDAW/C/ANT/1-3)	Seventeenth (1997)
Argentina	14 August 1986	6 October 1986 (CEDAW/C/5/Add.39)	Seventh (1988)
Armenia	13 October 1994	30 November 1994 (CEDAW/C/ARM/1) 10 February 1997 (CEDAW/C/ARM/1/Corr.1)	Seventeenth (1997)
Australia	27 August 1984	3 October 1986 (CEDAW/C/5/Add.40)	Seventh (1988)
Austria	30 April 1983	20 October 1983 (CEDAW/C/5/Add.17)	Fourth (1985)
Azerbaijan	9 August 1996	11 September 1996 (CEDAW/C/AZE/1)	Eighteenth (1998)
Bahamas	5 November 1994		
Bahrain	18 July 2003		
Bangladesh	6 December 1985	12 March 1986 (CEDAW/C/5/Add.34)	Sixth (1987)
Barbados	3 September 1982	11 April 1990 (CEDAW/C/5/Add.64)	Eleventh (1992)
Belarus	3 September 1982	4 October 1982 (CEDAW/C/5/Add.5)	Second (1983)
Belgium	9 August 1986	20 July 1987 (CEDAW/C/5/Add.53)	Eighth (1989)
Belize	15 June 1991	19 June 1996 (CEDAW/C/BLZ/1-2)	Twenty-first (1999)
Benin	11 April 1993	27 June 2002 (CEDAW/C/BEN/1-3)	

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Bhutan	30 September 1982	2 January 2003 (CEDAW/C/BTN/1-6) (CEDAW/C/BTN/1-6/Corr.1)	
Bolivia	8 July 1991	8 July 1991 (CEDAW/C/BOL/1) 26 August 1993 (CEDAW/C/BOL/1/Add.1)	Fourteenth (1995)
Bosnia and Herzegovina	1 October 1994		
Botswana	12 September 1997		
Brazil	2 March 1985	7 November 2002 (CEDAW/C/BRA/1-5)	Twenty-ninth (2003)
Bulgaria	10 March 1983	13 June 1983 (CEDAW/C/5/Add.15)	Fourth (1985)
Burkina Faso	13 November 1988	24 May 1990 (CEDAW/C/5/Add.6*)	Tenth (1991)
Burundi	7 February 1993	1 June 2000 (CEDAW/C/BDI/1)	Twenty-fourth (2001)
Cambodia	14 November 1993		
Cameroon	22 September 1995	9 May 1999 (CEDAW/C/CMR/1)	Twenty-third (2000)
Canada	9 January 1983	15 July 1983 (CEDAW/C/5/Add.16)	Fourth (1985)
Cape Verde	3 September 1982		
Central African Republic	21 July 1992		
Chad	9 July 1996		
Chile	6 January 1991	3 September 1991 (CEDAW/C/CHI/1)	Fourteenth (1995)
China	3 September 1982	25 May 1983 (CEDAW/C/5/Add.14)	Third (1984)
Colombia	18 February 1983	16 January 1986 (CEDAW/C/5/Add.32)	Sixth (1987)
Comoros	30 November 1995		
Congo	25 August 1983	8 April 2002 (CEDAW/C/COG/1-5)	Twenty-eighth (2003)
Costa Rica	4 May 1987	10 July 2001 (CEDAW/C/CRI/1-3)	Twenty-ninth (2003)
Côte d'Ivoire	17 January 1997		
Croatia		15 September 1994 (CEDAW/C/CRO/SP1)	Fourteenth (1995)
Croatia	9 October 1993	10 January 1995 (CEDAW/C/CRO/1)	Eighteenth (1998)
Cuba	3 September 1982	27 September 1982 (CEDAW/C/5/Add.4)	Second (1983)
Cyprus	22 August 1986	2 February 1994 (CEDAW/C/CYP/1-2)	Fifteenth (1996)

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Czech Republic	24 March 1994	30 October 1995 (CEDAW/C/CZE/1)	Eighteenth (1998)
Democratic People's Republic of Korea	27 March 2002	11 September 2002 (CEDAW/C/PRK/1)	
Democratic Republic of the Congo[b]	16 November 1987	1 March 1994 (CEDAW/C/ZAR/1)	Twenty-second (2000)
Denmark	21 May 1984	30 July 1984 (CEDAW/C/5/Add.22)	Fifth (1986)
Djibouti	2 January 2000		
Dominica	3 September 1982		
Dominican Republic	2 October 1983	2 May 1986 (CEDAW/C/5/Add.37)	Seventh (1988)
Ecuador	9 December 1982	14 August 1984 (CEDAW/C/5/Add.23)	Fifth (1986)
Egypt	18 October 1982	2 February 1983 (CEDAW/C/5/Add.10)	Third (1984)
El Salvador	18 September 1982	3 November 1983 (CEDAW/C/5/Add.19)	Fifth (1986)
Equatorial Guinea	22 November 1985	16 March 1987 (CEDAW/C/5/Add.50)	Eighth (1989)
Eritrea	5 October 1996		
Estonia	20 November 1992	14 June 2001 (CEDAW/C/EST/1-3)	Twenty-sixth (2002)
Ethiopia	10 October 1982	22 April 1993 (CEDAW/C/ETH/1-3) 16 October 1995 (CEDAW/C/ETH/1-3/Add.1)	Fifteenth (1996)
Fiji	27 September 1996	29 February 2000 (CEDAW/C/FJI/1)	Twenty-sixth (2002)
Finland	4 October 1987	16 February 1988 (CEDAW/C/5/Add.56)	Eighth (1989)
France	13 January 1985	13 February 1986 (CEDAW/C/5/Add.33)	Sixth (1987)
Gabon	20 February 1984	19 June 1987 (CEDAW/C/5/Add.55)	Eighth (1989)
Gambia	16 May 1994	4 April 2003 (CEDAW/C/GMB/1-3)	
Georgia	25 November 1995	9 March 1998 (CEDAW/C/GEO/1) 6 April 1999 (CEDAW/C/GEO/1/Add.1) 21 May 1999 (CEDAW/C/GEO/1/Add.1/Corr.1)	Twenty-first (1999)
Germany	9 August 1986	15 September 1988 (CEDAW/C/5/Add.59)	Ninth (1990)
Ghana	1 February 1987	29 January 1991 (CEDAW/C/GHA/1-2)	Eleventh (1992)

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Greece	7 July 1984	5 April 1985 (CEDAW/C/5/Add.28)	Sixth (1987)
Grenada	29 September 1991		
Guatemala	11 September 1983	2 April 1991 (CEDAW/C/GUA/1-2 and Corr.1) 7 April 1993 (CEDAW/C/GUA/1-2/Amend.1)	Thirteenth (1994)
Guinea	8 September 1983	4 August 2000 (CEDAW/C/GIN/1-3 and Corr.1)	Twenty-fifth (2001)
Guinea-Bissau	22 September 1986		
Guyana	3 September 1982	23 January 1990 (CEDAW/C/5/Add.63)	Thirteenth (1994)
Haiti	3 September 1982		
Honduras	2 April 1984	3 December 1986 (CEDAW/C/5/Add.44)	Eleventh (1992)
Hungary	3 September 1982	20 September 1982 (CEDAW/C/5/Add.3)	Third (1984)
Iceland	18 July 1986	5 May 1993 (CEDAW/C/ICE/1-2)	Fifteenth (1996)
India	8 August 1994	2 February 1999 (CEDAW/C/IND/1)	Twenty-second (2000)
Indonesia	13 October 1985	17 March 1986 (CEDAW/C/5/Add.36)	Seventh (1988)
Iraq	12 September 1987	16 May 1990 (CEDAW/C/5/Add.66/Rev.1)	Twelfth (1993)
Ireland	22 January 1987	18 February 1987 (CEDAW/C/5/Add.47)	Eighth (1989)
Israel	2 November 1992	12 January 1994[c] 7 April 1997 (CEDAW/C/ISR/1-2)	Seventeenth (1997)
Italy	10 July 1986	20 October 1989 (CEDAW/C/5/Add.62)	Tenth (1991)
Jamaica	18 November 1985	12 September 1986 (CEDAW/C/5/Add.38)	Seventh (1988)
Japan	25 July 1986	13 March 1987 (CEDAW/C/5/Add.48)	Seventh (1988)
Jordan	31 July 1993	27 October 1997 (CEDAW/C/JOR/1)	Twenty-second (2000)
Kazakhstan	25 September 1999	26 January 2000 (CEDAW/C/KAZ/1)	Twenty-fourth (2001)
Kenya	8 April 1985	4 December 1990 (CEDAW/C/KEN/1-2)	Twelfth (1993)
Kuwait	1 October 1995	29 August 2002 (CEDAW/C/KWT/1-2)	
Kyrgyzstan	12 March 1998	25 September 2002 (CEDAW/C/KGZ/1)	Twentieth (1999)

States parties	Date due*	Date of submission	Considered by Committee (session (year))
Lao People's Democratic Republic	13 September 1982	3 February 2003 (CEDAW/C/LAO/1-5)	
Latvia	14 May 1993	13 June 2003 (CEDAW/C/LVA/1-3)	
Lebanon	21 May 1998		
Lesotho	21 September 1996		
Liberia	16 August 1985		
Libyan Arab Jamahiriya	15 June 1990	18 February 1991 (CEDAW/C/LIB/1) 4 October 1993 (CEDAW/C/LIB/1/Add.1)	Thirteenth (1994)
Liechtenstein	21 January 1997	4 August 1997 (CEDAW/C/LIE/1)	Twentieth (1999)
Lithuania	17 February 1995	4 June 1998 (CEDAW/C/LTU/1)	Twenty-third (2000)
Luxembourg	4 March 1990	13 November 1996 (CEDAW/C/LUX/1)	Seventeenth (1997)
Madagascar	16 April 1990	21 May 1990 (CEDAW/C/5/Add.65) 8 November 1993 (CEDAW/C/5/Add.65/Rev.2)	Thirteenth (1994)
Malawi	11 April 1988	15 July 1988 (CEDAW/C/5/Add.58)	Ninth (1990)
Malaysia	4 August 1996		
Maldives	1 July 1994	28 January 1999 (CEDAW/C/MDV/1)	Twenty-fourth (2001)
Mali	10 October 1986	13 November 1986 (CEDAW/C/5/Add.43)	Seventh (1988)
Malta	7 April 1992	1 August 2002 (CEDAW/C/MLT/1-3)	
Mauritania	9 June 2002		
Mauritius	8 August 1985	23 February 1992 (CEDAW/C/MAR/1-2)	Fourteenth (1995)
Mexico	3 September 1982	14 September 1982 (CEDAW/C/5/Add.2)	Second (1983)
Mongolia	3 September 1982	18 November 1983 (CEDAW/C/5/Add.20)	Fifth (1986)
Morocco	21 July 1994	14 September 1994 (CEDAW/C/MOR/1)	Sixteenth (1997)
Mozambique	16 May 1998		
Myanmar	21 August 1998	14 March 1999 (CEDAW/C/MNR/1)	Twenty-second (2000)
Namibia	23 December 1993	4 November 1996 (CEDAW/C/NAM/1)	Seventeenth (1997)
Nepal	22 May 1992	16 November 1998 (CEDAW/C/NPL/1)	Twenty-first (1999)

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Netherlands	22 August 1992	19 November 1992 (CEDAW/C/NET/1) 17 September 1993 (CEDAW/C/NET/1/Add.1) 20 September 1993 (CEDAW/C/NET/1/Add.2) 9 October 1993 (CEDAW/C/NET/1/Add.3)	Thirteenth (1994)
New Zealand	9 February 1986	3 September 1986 (CEDAW/C/5/Add.41)	Seventh (1988)
Nicaragua	26 November 1982	22 September 1987 (CEDAW/C/5/Add.55)	Eighth (1989)
Niger	8 November 2000		
Nigeria	13 July 1986	1 April 1987 (CEDAW/C/5/Add.49)	Seventh (1987)
Norway	3 September 1982	18 November 1982 (CEDAW/C/5/Add.7)	Third (1984)
Pakistan	11 April 1997		
Panama	28 November 1982	12 December 1982 (CEDAW/C/5/Add.9)	Fourth (1985)
Papua New Guinea	11 February 1996		
Paraguay	6 May 1988	4 June 1992 (CEDAW/C/PAR/1-2) 23 August 1995 (CEDAW/C/PAR/1-2/Add.1) 20 November 1995 (CEDAW/C/PAR/1-2/Add.2)	Fifteenth (1996)
Peru	13 October 1983	14 September 1988 (CEDAW/C/5/Add.60)	Ninth (1990)
Philippines	4 September 1982	22 October 1982 (CEDAW/C/5/Add.6)	Third (1984)
Poland	3 September 1982	10 October 1985 (CEDAW/C/5/Add.31)	Sixth (1987)
Portugal	3 September 1982	19 July 1983 (CEDAW/C/5/Add.21)	Fifth (1986)
Republic of Korea	26 January 1986	13 March 1986 (CEDAW/C/5/Add.35)	Sixth (1987)
Republic of Moldova	31 July 1995	26 September 1998 (CEDAW/C/MDA/1)	Twenty-third (2000)
Romania	6 February 1983	14 January 1987 (CEDAW/C/5/Add.45)	Twelfth (1993)
Russian Federation	3 September 1982	2 March 1983 (CEDAW/C/5/Add.12)	Second (1983)
Rwanda	3 September 1982	24 May 1983 (CEDAW/C/5/Add.13)	Third (1984)
Saint Kitts and Nevis	25 May 1986	18 January 2002 (CEDAW/C/KNA/1-4)	Twenty-seventh (2002)

States parties	Date due[a]	Date of submission	Considered by Committee (session (year))
Saint Lucia	7 November 1983		
Saint Vincent and the Grenadines	3 September 1982	27 September 1991 (CEDAW/C/STV/1-3) 28 July 1994 (CEDAW/C/STV/1-3/Add.1)	Sixteenth (1997)
Samoa	25 October 1993	2 May 2003 (CEDAW/C/WSM/1-3)	
Saudi Arabia	7 July 2001		
Senegal	7 March 1986	5 November 1986 (CEDAW/C/5/Add.42)	Seventh (1988)
Serbia and Montenegro	11 April 2002		
Seychelles	4 June 1993		
Sierra Leone	11 December 1989		
Singapore	4 November 1996	1 December 1999 (CEDAW/C/SGP/1)	Twenty-fifth (2001)
Slovakia	27 June 1994	29 April 1996 (CEDAW/C/SVK/1) 11 May 1998 (CEDAW/C/SVK/1/Add.1)	Nineteenth (1998)
Slovenia	5 August 1993	23 November 1993 (CEDAW/C/SVN/1)	Sixteenth (1997)
Solomon Islands	6 June 2003		
South Africa	14 January 1997	5 February 1998 (CEDAW/C/ZAF/1)	Nineteenth (1998)
Spain	4 February 1985	20 August 1985 (CEDAW/C/5/Add.30)	Sixth (1987)
Sri Lanka	4 November 1982	7 July 1985 (CEDAW/C/5/Add.29)	Sixth (1987)
Suriname	31 March 1994	13 February 2002 (CEDAW/C/SUR/1-2)	Twenty-seventh (2002)
Sweden	3 September 1982	22 October 1982 (CEDAW/C/5/Add.8)	Second (1983)
Switzerland	26 April 1998	20 February 2002 (CEDAW/C/CHE/1-2)	Twenty-eighth (2003)
Tajikistan	25 October 1994		
Thailand	8 September 1986	1 June 1987 (CEDAW/C/5/Add.51)	Ninth (1990)
The former Yugoslav Republic of Macedonia	17 February 1995		
Togo	26 October 1984		
Trinidad and Tobago	11 February 1991	23 January 2001 (CEDAW/C/TTO/1-3)	Twenty-sixth (2002)
Tunisia	20 October 1986	17 September 1993 (CEDAW/C/TUN/1-2)	Fourteenth (1995)
Turkey	19 January 1987	27 January 1987 (CEDAW/C/5/Add.46)	Ninth (1990)

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Turkmenistan	31 May 1998		
Tuvalu	6 November 2000		
Uganda	21 August 1986	1 June 1992 (CEDAW/C/UGA/1-2)	Fourteenth (1995)
Ukraine	3 September 1982	2 March 1983 (CEDAW/C/5/Add.11)	Second (1983)
United Kingdom of Great Britain and Northern Ireland	7 May 1987	25 June 1987 (CEDAW/C/5/Add.52)	Ninth (1990)
United Republic of Tanzania	19 September 1986	9 March 1988 (CEDAW/C/5/Add.57)	Ninth (1990)
Uruguay	8 November 1982	23 November 1984 (CEDAW/C/5/Add.27)	Seventh (1988)
Uzbekistan	18 August 1996	19 January 2000 (CEDAW/C/UZB/1)	Twenty-fourth (2001)
Vanuatu	8 October 1996		
Venezuela	1 June 1984	27 August 1984 (CEDAW/C/5/Add.24)	Fifth (1986)
Viet Nam	19 March 1983	2 October 1984 (CEDAW/C/5/Add.25)	Fifth (1986)
Yemen	29 June 1985	23 January 1989 (CEDAW/C/5/Add.61)	Twelfth (1993)
Zambia	21 July 1986	6 March 1991 (CEDAW/C/ZAM/1-2)	Thirteenth (1994)
Zimbabwe	12 June 1992	28 April 1996 (CEDAW/C/ZWE/1)	Eighteenth (1998)

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Albania	10 June 1999	20 May 2002 (CEDAW/C/ALB/1-2)	Twenty-eighth (2003)
Algeria	21 June 2001	29 January 2003 (CEDAW/C/DZA/2)	
Andorra	14 February 2002	14 February 2002	
Angola	17 October 1991	2 May 2002 (CEDAW/C/AGO/1-3)	
Antigua and Barbuda	31 August 1994	21 September 1994 (CEDAW/C/ANT/1-3)	Seventeenth (1997)
Argentina	14 August 1990	13 February 1992 (CEDAW/C/ARG/2) 27 May 1994 (CEDAW/C/ARG/2/Add.1) 19 August 1994 (CEDAW/C/ARG/2/Add.2)	Seventeenth (1997)
Armenia	13 September 1998	23 August 1999 (CEDAW/C/ARM/2)	Exceptional (2002)

States parties	Date due[a]	Date of submission	Considered by Committee (session (years))
Australia	27 August 1988	24 July 1992 (CEDAW/C/AUL/2)	Thirteenth (1994)
Austria	30 April 1987	18 December 1989 (CEDAW/C/13/Add.27)	Tenth (1991)
Azerbaijan	9 August 2000		
Bahamas	5 November 1998		
Bangladesh	6 December 1989	23 February 1990 (CEDAW/C/13/Add.30)	Twelfth (1993)
Barbados	3 September 1986	4 December 1991 (CEDAW/C/BAR/2-3)	Thirteenth (1994)
Belarus	3 September 1986	3 March 1987 (CEDAW/C/13/Add.5)	Eighth (1989)
Belgium	9 August 1990	9 February 1993 (CEDAW/C/BEL/2)	Fifteenth (1996)
Belize	15 June 1995	19 June 1996 (CEDAW/C/BLZ/1-2)	Twenty-first (1999)
Benin	11 April 1997	27 June 2002 (CEDAW/C/BEN/1-3)	
Bhutan	30 September 1986	2 January 2003 (CEDAW/C/BTN/1-6) (CEDAW/C/BTN/1-6/Corr.1)	
Bolivia	8 July 1995		
Bosnia and Herzegovina	1 September 1998		
Botswana	12 September 2001		
Brazil	2 March 1989	7 November 2002 (CEDAW/C/BRA/1-5)	Twenty-ninth (2003)
Bulgaria	10 March 1987	6 September 1994 (CEDAW/C/BGR/2-3)	Eighteenth (1998)
Burkina Faso	13 November 1992	11 December 1997 (CEDAW/C/BFA/2-3)	Twenty-second (2000)
Burundi	7 February 1997		
Cambodia	14 November 1997		
Cameroon	22 September 1999		
Canada	9 January 1987	20 January 1988 (CEDAW/C/13/Add.11)	Ninth (1990)
Cape Verde	3 September 1986		
Central African Republic	21 July 1996		
Chad	9 July 2000		
Chile	6 January 1995	9 March 1995 (CEDAW/C/CHI/2)	Twenty-first (1999)
China	3 September 1986	22 June 1989 (CEDAW/C/13/Add.26)	Eleventh (1992)

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Colombia	18 February 1987	14 January 1993 (CEDAW/C/COL/2-3) 2 September 1993 (CEDAW/C/COL/2-3/Rev.1)	Thirteenth (1994)
Comoros	30 November 1999		
Congo	25 August 1987	8 April 2002 (CEDAW/C/COG/1-5)	Twenty-eighth (2003)
Costa Rica	4 May 1991	10 July 2001 (CEDAW/C/CRI/1-3)	Twenty-ninth (2003)
Côte d'Ivoire	17 January 2001		
Croatia	9 October 1997		
Cuba	3 September 1986	13 March 1992 (CEDAW/C/CUB/2-3) 30 November 1995 (CEDAW/C/CUB/2-3/Add.1)	Fifteenth (1996)
Cyprus	22 August 1990	2 February 1994 (CEDAW/C/CYP/1-2)	Fifteenth (1996)
Czech Republic	24 March 1997	10 March 2000 (CEDAW/C/CZE/2)	Exceptional (2002)
Democratic Republic of the Congo[b]	16 November 1991	24 October 1996 (CEDAW/C/ZAR/2) 27 August 1998 (CEDAW/C/ZAR/2/Add.1 and Corr.1)	Twenty-second (2000)
Denmark	21 May 1988	2 June 1988 (CEDAW/C/13/Add.14)	Tenth (1991)
Dominica	3 September 1986		
Dominican Republic	2 October 1987	26 April 1993 (CEDAW/C/DOM/2-3)	Eighteenth (1998)
Ecuador	9 December 1986	28 May 1990 (CEDAW/C/13/Add.31)	Thirteenth (1994)
Egypt	18 October 1986	19 December 1986 (CEDAW/C/13/Add.2)	Ninth (1990)
El Salvador	18 September 1986	18 December 1987 (CEDAW/C/13/Add.12)	Eleventh (1992)
Equatorial Guinea	22 November 1989	6 January 1994 (CEDAW/C/GNQ/2-3)	
Eritrea	5 October 2000		
Estonia	20 November 1996	14 June 2001 (CEDAW/C/EST/1-3)	Twenty-sixth (2002)
Ethiopia	10 October 1986	22 April 1993 (CEDAW/C/ETH/1-3) 16 October 1995 (CEDAW/C/ETH/1-3/Add.1)	Fifteenth (1996)
Fiji	27 September 2000		
Finland	4 October 1991	9 February 1993 (CEDAW/C/FIN/2)	Fourteenth (1995)

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
France	13 January 1989	10 December 1990 (CEDAW/C/FRA/2 and Rev.1)	Twelfth (1993)
Gabon	20 February 1988	4 June 2003 (CEDAW/C/GAB/2-5)	
Gambia	16 May 1998	4 April 2003 (CEDAW/C/GMB/1-3)	
Georgia	25 November 1999		
Germany	9 August 1990	8 October 1996 (CEDAW/C/DEU/2-3)	Twenty-second (2000)
Ghana	1 February 1991	29 January 1991 (CEDAW/C/GHA/1-2)	Eleventh (1992)
Greece	7 July 1988	1 March 1996 (CEDAW/C/GRC/2-3)	Twentieth (1999)
Grenada	29 September 1995		
Guatemala	11 September 1987	2 April 1991 (CEDAW/C/GUA/1-2 and Corr.1) 7 April 1993 (CEDAW/C/GUA/1-2/Amend.1)	Thirteenth (1994)
Guinea	8 September 1987	4 August 2000 (CEDAW/C/GIN/1-3 and Corr.1)	Twenty-fifth (2001)
Guinea-Bissau	22 September 1990		
Guyana	3 September 1986	20 September 1999 (CEDAW/C/GUY/2)	Twenty-fifth (2001)
Haiti	3 September 1986		
Honduras	2 April 1988	28 October 1987 (CEDAW/C/13/Add.9)	Eleventh (1992)
Hungary	3 September 1986	29 September 1986 (CEDAW/C/13/Add.1)	Seventh (1988)
Iceland	18 July 1990	5 May 1993 (CEDAW/C/ICE/1-2)	Fifteenth (1996)
India	8 August 1998		
Indonesia	13 October 1989	6 February 1997 (CEDAW/C/IDN/2-3)	Eighteenth (1998)
Iraq	12 September 1991	13 October 1998 (CEDAW/C/IRQ/2-3)	Twenty-third (2000)
Ireland	22 January 1991	6 February 1997 (CEDAW/C/IRL/2-3)	Twenty-first (1999)
Israel	2 November 1996	7 April 1997 (CEDAW/C/ISR/1-2)	Seventeenth (1997)
Italy	10 July 1990	1 March 1994 (CEDAW/C/ITA/2)	Seventeenth (1997)
Jamaica	18 November 1989	17 February 1998 (CEDAW/C/JAM/2-4)	Twenty-fourth (2001)
Japan	25 July 1990	21 February 1992 (CEDAW/C/JPN/2)	Thirteenth (1994)

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Jordan	31 July 1997	19 November 1999 (CEDAW/C/JOR/2)	Twenty-second (2000)
Kenya	8 April 1989	4 December 1990 (CEDAW/C/KEN/1-2)	Twelfth (1993)
Kuwait	2 October 1999	29 August 2002 (CEDAW/C/KWT/1-2)	
Kyrgyzstan	12 March 2002	25 September 2002 (CEDAW/C/KGZ/2)	
Lao People's Democratic Republic	13 September 1986	3 February 2003 (CEDAW/C/LAO/1-5)	
Latvia	14 May 1997	13 June 2003 (CEDAW/C/LVA/1-3)	
Lebanon	21 May 2002		
Lesotho	21 September 2000		
Liberia	16 August 1989		
Libyan Arab Jamahiriya	15 June 1994	14 December 1998 (CEDAW/C/LBY/2)	
Liechtenstein	21 January 2001	10 June 2001 (CEDAW/C/LIE/2)	
Lithuania	17 February 1999	4 April 2000 (CEDAW/C/LTU/2)	Twenty-third (2000)
Luxembourg	4 March 1994	8 April 1997 (CEDAW/C/LUX/2)	Seventeenth (1997)
Madagascar	16 April 1994		
Malawi	11 April 1992		
Malaysia	4 August 2000		
Maldives	1 July 1998		
Mali	10 October 1990		
Malta	7 April 1996	1 August 2002 (CEDAW/C/MLT/1-3)	
Mauritius	8 August 1989	23 January 1992 (CEDAW/C/MAR/1-2)	Fourteenth (1995)
Mexico	3 September 1986	3 December 1987 (CEDAW/C/13/Add.10)	Ninth (1990)
Mongolia	3 September 1986	17 March 1987 (CEDAW/C/13/Add.7)	Ninth (1990)
Morocco	21 July 1998	29 February 2000 (CEDAW/C/MOR/2)	Twenty-ninth (2003)
Mozambique	16 May 2002		
Myanmar	21 August 2002		
Namibia	23 December 1997		
Nepal	22 May 1996	26 November 2002 (CEDAW/C/NPL/2-3)	

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Netherlands	22 August 1996	10 December 1998 (CEDAW/C/NET/2) (CEDAW/C/NET/2/Add.1) (CEDAW/C/NET/2/Add.2)	Twenty-fifth (2001)
New Zealand	9 February 1990	3 November 1992 (CEDAW/C/NZE/2) 27 October 1993 (CEDAW/C/NZE/2/Add.1)	Thirteenth (1994)
Nicaragua	26 November 1986	16 March 1989 (CEDAW/C/13/Add.20)	Twelfth (1993)
Nigeria	13 July 1990	13 February 1997 (CEDAW/C/NGA/2-3)	Nineteenth (1998)
Norway	3 September 1986	23 June 1988 (CEDAW/C/13/Add.15)	Tenth (1991)
Pakistan	11 April 2001		
Panama	28 November 1986	17 January 1997 (CEDAW/C/PAN/2-3)	Nineteenth (1998)
Papua New Guinea	11 February 2000		
Paraguay	6 May 1992	4 June 1992 (CEDAW/C/PAR/1-2) 23 August 1995 (CEDAW/C/PAR/1-2/Add.1) 20 November 1995 (CEDAW/C/PAR/1-2/Add.2)	Fifteenth (1996)
Peru	13 October 1987	13 February 1990 (CEDAW/C/13/Add.29)	Fourteenth (1995)
Philippines	4 September 1986	12 December 1988 (CEDAW/C/13/Add.17)	Tenth (1991)
Poland	3 September 1986	17 November 1988 (CEDAW/C/13/Add.16)	Tenth (1991)
Portugal	3 September 1986	18 May 1989 (CEDAW/C/13/Add.22)	Tenth (1991)
Republic of Korea	26 January 1990	19 December 1989 (CEDAW/C/13/Add.28 and Corr.1)	Twelfth (1993)
Republic of Moldova	31 July 1999		
Romania	6 February 1987	19 October 1992 (CEDAW/C/ROM/2-3)	Twelfth (1993)
Russian Federation	3 September 1986	10 February 1987 (CEDAW/C/13/Add.4)	Eighth (1989)
Rwanda	3 September 1986	7 March 1988 (CEDAW/C/13/Add.13)	Tenth (1991)
Saint Kitts and Nevis	25 May 1990	18 January 2001 (CEDAW/C/KNA/1-4)	Twenty-seventh (2002)
Saint Lucia	7 November 1987		

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Saint Vincent and the Grenadines	3 September 1986	27 September 1991 (CEDAW/C/STV/1-3) 28 July 1994 (CEDAW/C/STV/1-3/Add.1)	Sixteenth (1997)
Samoa	25 October 1997	2 M[illegible] (CE[illegible]/SM/1-3)	
Senegal	7 March 1990	23 September 1991 (CEDAW/C/SEN/2 and Amend.1)	Thirteenth (1994)
Seychelles	4 June 1997		
Sierra Leone	11 December 1993		
Singapore	4 November 2000	16 April 2001 (CEDAW/C/SGP/2)	Twenty-fifth (2001)
Slovakia	27 June 1998		
Slovenia	5 August 1997	26 April 1999 (CEDAW/C/SVN/2)	Twenty-ninth (2003)
South Africa	14 January 2001		
Spain	4 February 1989	9 February 1989 (CEDAW/C/13/Add.19)	Eleventh (1992)
Sri Lanka	4 November 1986	29 December 1988 (CEDAW/C/13/Add.18)	Eleventh (1992)
Suriname	31 March 1998	13 February 2002 (CEDAW/C/SUR/1-2)	Twenty-seventh (2002)
Sweden	3 September 1986	10 March 1987 (CEDAW/C/13/Add.6)	Seventh (1988)
Switzerland	26 April 2002	20 February 2002 (CEDAW/C/CHE/1-2)	Twenty-eighth (2003)
Tajikistan	25 October 1998		
Thailand	8 September 1990	3 March 1997 (CEDAW/C/THA/2-3)	Twentieth (1999)
The former Yugoslav Republic of Macedonia	17 February 1999		
Togo	26 October 1988		
Trinidad and Tobago	11 February 1995	23 January 2001 (CEDAW/C/TTO/1-2)	Twenty-sixth (2002)
Tunisia	20 October 1990	17 September 1993 (CEDAW/C/TUN/1-2)	Fourteenth (1995)
Turkey	19 January 1991	7 February 1994[c] 3 September 1996 (CEDAW/C/TUR/2-3)	Sixteenth (1997)
Turkmenistan	31 May 2002		
Uganda	21 August 1990	1 June 1992 (CEDAW/C/UGA/1-2)	Fourteenth (1995)
Ukraine	3 September 1986	13 August 1987 (CEDAW/C/13/Add.8)	Ninth (1990)
United Kingdom of Great Britain and Northern	7 May 1991	11 May 1991 (CEDAW/C/UK/2 and Amend.1)	Twelfth (1993)

States parties	Date due[a]	Date of submission	Considered by Committee (session (year))
Ireland			
United Republic of Tanzania	19 September 1990	25 September 1996 (CEDAW/C/TZA/2-3)	Nineteenth (1998)
Uruguay	8 November 1986	8 February 1999 (CEDAW/C/URY/2-3)	Twenty-sixth (2002)
Uzbekistan	18 August 2000		
Vanuatu	8 October 2000		
Venezuela	1 June 1988	18 April 1989 (CEDAW/C/13/Add.21)	Eleventh (1992)
Viet Nam	19 March 1987	2 November 1999 (CEDAW/C/VNM/2)	Twenty-fifth (2001)
Yemen	29 June 1989	8 June 1989 (CEDAW/C/13/Add.24 and Amend.1)	Twelfth (1993)
Zambia	21 July 1990	6 March 1991 (CEDAW/C/ZAM/1-2)	Thirteenth (1994)
Zimbabwe	12 June 1996		

C. Third periodic reports

Albania	10 June 2003	CEDAW/C/ALB/3	
Angola	17 October 1995	2 May 2002 (CEDAW/C/AGO/1-3)	
Antigua and Barbuda	31 August 1998	21 September 1994 (CEDAW/C/ANT/1-3)	Seventeenth (1997)
Argentina	14 August 1994	1 October 1996 (CEDAW/C/ARG/3)	Seventeenth (1997)
Armenia	13 October 2002		
Australia	27 August 1992	1 March 1995 (CEDAW/C/AUL/3)	Seventeenth (1997)
Austria	30 April 1991	25 April 1997 (CEDAW/C/AUT/3-4)	Twenty-third (2000)
Bahamas	5 November 2002		
Bangladesh	6 December 1993	26 January 1993[c] 27 March 1997 (CEDAW/C/BGD/3-4)	Seventeenth (1997)
Barbados	3 September 1990	4 December 1991 (CEDAW/C/BAR/2-3)	Thirteenth (1994)
Belarus	3 September 1990	1 July 1993 (CEDAW/C/BLR/3)	Twenty-second (2000)
Belgium	9 August 1994	29 September 1998 (CEDAW/C/BEL/3-4)	Twenty-seventh (2002)
Belize	15 June 1999		
Benin	11 April 2001	27 June 2002 (CEDAW/C/BEN/1-3)	

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Bhutan	30 September 1990	2 January 2003 (CEDAW/C/BTN/1-6) (CEDAW/C/BTN/1-6/Corr.1)	
Bolivia	8 July 1999		
Bosnia and Herzegovina	1 October 2002		
Brazil	2 March 1993	7 November 2002 (CEDAW/C/BRA/1-5)	Twenty-ninth (2003)
Bulgaria	10 March 1991	6 September 1994 (CEDAW/C/BGR/2-3)	Eighteenth (1998)
Burkina Faso	13 November 1996	11 December 1997 (CEDAW/C/BFA/2-3)	Twenty-second (2000)
Burundi	7 February 2001		
Cameroon	23 September 2003		
Cambodia	14 November 2001		
Canada	9 January 1991	9 September 1992 (CEDAW/C/CAN/3)	Sixteenth (1997)
Cape Verde	3 September 1990		
Central African Republic	21 July 2000		
Chile	6 January 1999	1 November 1999 (CEDAW/C/CHI/3)	Twenty-first (1999)
China	3 September 1990	29 May 1997 (CEDAW/C/CHN/3-4)	Twentieth (1999)
Colombia	18 February 1991	14 January 1993 (CEDAW/C/COL/2-3) 2 September 1993 (CEDAW/C/COL/2-3/Rev.1)	Thirteenth (1994)
Comoros	30 November 2003		
Congo	25 August 1991	8 April 2002 (CEDAW/C/COG/1-5)	Twenty-eighth (2003)
Costa Rica	4 May 1995	10 July 2001 (CEDAW/C/CRI/1-3)	Twenty-ninth (2003)
Croatia	9 October 2001		
Cuba	3 September 1990	13 March 1992 (CEDAW/C/CUB/2-3) 30 November 1995 (CEDAW/C/CUB/2-3/Add.1)	Fifteenth (1996)
Cyprus	22 August 1994		
Czech Republic	24 March 2001		
Democratic Republic of the Congo[b]	16 November 1995	18 June 1999 (CEDAW/C/COD/3)	Twenty-second (2000)
Denmark	21 May 1992	7 May 1993 (CEDAW/C/DEN/3)	Sixteenth (1997)
Dominica	3 September 1990		
Dominican Republic	2 October 1991	26 April 1993 (CEDAW/C/DOM/2-3)	Eighteenth (1998)

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Ecuador	9 December 1990	23 December 1991 (CEDAW/C/ECU/3)	Thirteenth (1994)
Egypt	18 October 1990	30 January 1996 (CEDAW/C/EGY/3)	Twenty-fourth (2001)
El Salvador	18 September 1990	26 July 2001 (CEDAW/C/SLV/3-4)	Twenty-eighth (2003)
Equatorial Guinea	22 November 1993	6 January 1994 (CEDAW/C/GNQ/2-3)	
Estonia	20 November 2000	14 June 2001 (CEDAW/C/EST/1-3)	Twenty-sixth (2002)
Ethiopia	10 October 1990	22 April 1993 (CEDAW/C/ETH/1-3) 16 October 1995 (CEDAW/C/ETH/1-3/Add.1)	Fifteenth (1996)
Finland	4 October 1995	28 January 1997 (CEDAW/C/FIN/3)	Twenty-fourth (2001)
France	13 January 1993	5 October 1999 (CEDAW/C/FRA/3)	Twenty-ninth (2003)
Gabon	20 February 1992	4 June 2003 (CEDAW/C/GAB/2-5)	
Gambia	10 May 2002	4 April 2003 (CEDAW/C/GMB/1-3)	
Germany	9 August 1994	8 October 1996 (CEDAW/C/DEU/2-3)	Twenty-second (2000)
Ghana	1 February 1995		
Greece	7 July 1992	1 March 1996 (CEDAW/C/GRC/2-3)	Twentieth (1999)
Grenada	2 September 1999		
Guatemala	11 September 1991	20 March 2001 (CEDAW/C/GUA/3-4)	Exceptional (2002)
Guinea	8 September 1991	4 August 2000 (CEDAW/C/GIN/1-3 and Corr.1)	Twenty-fifth (2001)
Guinea-Bissau	22 September 1994		
Guyana	3 September 1990	27 June 2003 (CEDAW/C/GUY/3-6)	
Haiti	3 September 1990		
Honduras	2 April 1992	31 May 1991 (CEDAW/C/HON/3)	Eleventh (1992)
Hungary	3 September 1990	4 April 1991 (CEDAW/C/HUN/3) 3 November 1995 (CEDAW/C/HUN/3/Add.1)	Fifteenth (1996)
Iceland	13 July 1994	15 July 1998 (CEDAW/C/ICE/3-4)	Twenty-sixth (2002)
India	8 August 2002		

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Indonesia	13 October 1993	6 February 1997 (CEDAW/C/IDN/2-3)	Eighteenth (1998)
Iraq	12 September 1995	13 October 1998 (CEDAW/C/IRQ/2-3)	Twenty-third (2000)
Ireland	22 January 1995	7 August 1997 (CEDAW/C/IRL/2-3)	Twenty-first (1999)
Israel	2 November 2000	22 October 2001 (CEDAW/C/ISR/3)	
Italy	10 July 1994	21 June 1997 (CEDAW/C/ITA/3)	Seventeenth (1997)
Jamaica	18 November 1993	17 February 1998 (CEDAW/C/JAM/2-4)	Twenty-fourth (2001)
Japan	25 July 1994	28 October 1993 (CEDAW/C/JPN/3)	Thirteenth (1994)
Jordan	31 July 2001		
Kenya	8 April 1993	5 January 2000 (CEDAW/C/KEN/3-4)	Twenty-eighth (2003)
Lao People's Democratic Republic	13 September 1990	3 February 2003 (CEDAW/C/LAO/1-5)	
Latvia	14 May 2001	13 June 2003 (CEDAW/C/LVA/1-3)	
Liberia	16 August 1993		
Libyan Arab Jamahiriya	15 June 1998		
Lithuania	17 February 2003		
Luxembourg	4 March 1998	12 March 1998 (CEDAW/C/LUX/3) 17 June 1998 (CEDAW/C/LUX/3/Add.1)	Twenty-second (2000)
Madagascar	16 April 1998		
Malawi	11 April 1996		
Maldives	1 July 2002		
Mali	10 October 1994		
Malta	7 April 2000	1 August 2002 (CEDAW/C/MLT/1-3)	
Mauritius	8 August 1993		
Mexico	3 September 1990	1 December 1992 7 April 1997 (CEDAW/C/MEX/3-4)	Eighteenth (1998)
Mongolia	3 September 1990	8 December 1998 (CEDAW/C/MNG/3-4)	Twenty-fourth (2001)
Morocco	21 July 2002		
Namibia	23 December 2001		
Nepal	22 May 2000	26 November 2002 (CEDAW/C/NPL/2-3)	

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Netherlands	22 August 2000	13 November 2000 (CEDAW/C/NET/3 and Add.1-2)	Twenty-fifth (2001)
New Zealand	9 February 1994	2 March 1998 (CEDAW/C/NZL/3-4) 15 April 1998 (CEDAW/C/NZL/3-4/Add.1)	Nineteenth (1998)
Nicaragua	26 November 1990	15 October 1992 (CEDAW/C/NIC/3)	Twelfth (1993)
Nigeria	13 July 1994	13 February 1997 (CEDAW/C/NGA/2-3)	Nineteenth (1998)
Norway	3 September 1990	25 January 1991 (CEDAW/C/NOR/3)	Fourteenth (1995)
Panama	28 November 1990	17 January 1997 (CEDAW/C/PAN/2-3)	Nineteenth (1998)
Paraguay	6 May 1996		
Peru	13 October 1991	25 November 1994 (CEDAW/C/PER/3-4)	Nineteenth (1998)
Philippines	4 September 1990	20 January 1993 (CEDAW/C/PHI/3)	Sixteenth (1997)
Poland	3 September 1990	22 November 1990 (CEDAW/C/18/Add.2)	Tenth (1991)
Portugal	3 September 1990	10 December 1990 (CEDAW/C/18/Add.3)	Tenth (1991)
Republic of Korea	26 January 1994	8 September 1994 (CEDAW/C/KOR/3)	Nineteenth (1998)
Republic of Moldova	31 July 2003		
Romania	6 February 1991	19 October 1992 (CEDAW/C/ROM/2-3)	Twelfth (1993)
Russian Federation	3 September 1990	24 July 1991 (CEDAW/C/USR/3)	Fourteenth (1995)
Rwanda	3 September 1990	18 January 1991 (CEDAW/C/RWA/3)	Twelfth (1993)
Saint Kitts and Nevis	25 May 1994	18 January 2002 (CEDAW/C/KNA/1-4)	Twenty-seventh (2002)
Saint Lucia	7 November 1991		
Saint Vincent and the Grenadines	3 September 1990	27 September 1991 (CEDAW/C/STV/1-3) 28 July 1994 (CEDAW/C/STV/1-3/Add.1)	Sixteenth (1997)
Samoa	25 October 2001	2 May 2003 (CEDAW/C/WSM/1-3)	
Senegal	7 March 1994		
Seychelles	4 June 2001		
Sierra Leone	11 December 1997		
Slovakia	27 June 2002		

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Slovenia	5 August 2001	4 December 2002 (CEDAW/C/SVN/3)	Twenty-ninth (2003)
Spain	4 February 1993	20 May 1996 (CEDAW/C/ESP/3)	Twenty-first (1999)
Sri Lanka	4 November 1990	7 October 1999 (CEDAW/C/LKA/3-4)	Twenty-sixth (2002)
Suriname	13 March 2002		
Sweden	3 September 1990	3 October 1990 (CEDAW/C/18/Add.1)	Twelfth (1999)
Tajikistan	25 October 2002		
Thailand	8 September 1994	3 March 1997 (CEDAW/C/THA/2-3)	Twentieth (1999)
The former Yugoslav Republic of Macedonia	17 February 2003		
Togo	26 October 1992		
Trinidad and Tobago	11 February 1999	23 January 2001 (CEDAW/C/TTO/1-3)	Twenty-sixth (2002)
Tunisia	20 October 1994	27 July 2000 (CEDAW/C/TUN/3-4)	Twenty-seventh (2002)
Turkey	19 January 1995	3 September 1996 (CEDAW/C/TUR/2-3)	Sixteenth (1997)
Uganda	21 August 1994	22 May 2000 (CEDAW/C/UGA/3)	Exceptional (2002)
Ukraine	3 September 1990	31 May 1991 (CEDAW/C/UKR/3) 21 November 1995 (CEDAW/C/UKR/3/Add.1)	Fifteenth (1996)
United Kingdom of Great Britain and Northern Ireland	7 May 1995	16 August 1995 (CEDAW/C/UK/3) 8 August 1997 (CEDAW/C/UK/3/Add.1) 14 July 1998 (CEDAW/C/UK/3/Add.2)	Twenty-first (1999)
United Republic of Tanzania	19 September 1994	25 September 1996 (CEDAW/C/TZA/2-3)	Nineteenth (1998)
Uruguay	8 November 1990	8 February 1999 (CEDAW/C/URY/2-3)	Twenty-sixth (2002)
Venezuela	1 June 1992	8 February 1995 (CEDAW/C/VEN/3)	Sixteenth (1997)
Viet Nam	19 March 1991	6 October 2000 (CEDAW/C/VNM/3-4)	Twenty-fifth (2001)
Yemen	29 June 1993	13 November 1992 (CEDAW/C/YEM/3)	Twelfth (1993)
Zambia	21 July 1994	12 August 1999 (CEDAW/C/ZAM/3-4)	Twenty-seventh (2002)
Zimbabwe	12 June 2000		

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
D. Fourth periodic reports			
Angola	17 October 1999		
Antigua and Barbuda	31 August 2002		
Argentina	14 August 1998	18 January 2000 (CEDAW/C/ARG/4)	Exceptional (2002)
Australia	27 August 1996		
Austria	30 April 1995	25 April 1997 (CEDAW/C/AUT/3-4)	Twenty-third (2000)
Bangladesh	6 December 1997	27 March 1997 (CEDAW/C/BGD/3-4)	Seventeenth (1997)
Barbados	3 September 1995	24 November 2000 (CEDAW/C/BAR/4)	Exceptional (2002)
Belarus	3 September 1994	19 December 2002 (CEDAW/C/BLR/4-6)	
Belgium	9 August 1998	29 October 1998 (CEDAW/C/BEL/3-4)	Twenty-seventh (2002)
Belize	15 June 2003		
Bhutan	30 September 1994	2 January 2003 (CEDAW/C/BTN/1-6) (CEDAW/C/BTN/1-6/Corr.1)	
Bolivia	8 July 2003		
Brazil	2 March 1997	7 November 2002 (CEDAW/C/BRA/1-5)	Twenty-ninth (2003)
Bulgaria	10 March 1995		
Burkina Faso	13 November 2000	6 August 2003 (CEDAW/C/BFA/4-5)	
Canada	9 January 1995	2 October 1995 (CEDAW/C/CAN/4)	Sixteenth (1997)
Cape Verde	3 September 1994		
Chile	6 January 2003		
China	3 September 1994	29 May 1997 (CEDAW/C/CHN/3-4)	Twentieth (1999)
Colombia	18 February 1995	8 July 1997 (CEDAW/C/COL/4)	Twentieth (1999)
Congo	25 August 1995	8 April 2002 (CEDAW/C/COG/1-5)	Twenty-eighth (2003)
Costa Rica	4 May 1999	21 November 2002 (CEDAW/C/CRI/4)	Twenty-ninth (2003)
Cuba	3 September 1994	27 September 1999 (CEDAW/C/CUB/4)	Twenty-third (2000)
Cyprus	22 August 1998		
Democratic Republic of the Congo[b]	16 November 1999		

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Denmark	21 May 1996	9 January 1997 (CEDAW/C/DEN/4)	Twenty-seventh (2002)
Dominica	3 September 1994		
Dominican Republic	2 October 1995	29 October 1997 (CEDAW/C/DOM/4)	Eighteenth (1998)
Ecuador	9 December 1994	8 January 2001 (CEDAW/C/ECU/4-5)	Twenty-ninth (2003)
Egypt	18 October 1994	30 March 2000 (CEDAW/C/EGY/4-5)	Twenty-fourth (2001)
El Salvador	18 September 1994	26 July 2001 (CEDAW/C/SLV/3-4)	Twenty-eighth (2003)
Equatorial Guinea	22 November 1997		
Ethiopia	10 October 1994	25 September 2002 (CEDAW/C/ETH/4-5)	
Finland	4 October 1999	23 November 1999 (CEDAW/C/FIN/4)	Twenty-fourth (2001)
France	13 January 1997	5 October 1999 (CEDAW/C/FRA/3-4)	Twenty-ninth (2003)
Gabon	20 February 1996	4 June 2003 (CEDAW/C/GAB/2-5)	
Germany	9 August 1998	27 October 1998 (CEDAW/C/DEU/4)	Twenty-second (2000)
Ghana	1 February 1999		
Greece	7 July 1996	19 April 2001 (CEDAW/C/GRC/4-5)	Exceptional (2002)
Guatemala	11 September 1995	20 March 2001 (CEDAW/C/GUA/3-4)	Exceptional (2002)
Guinea	8 September 1995		
Guinea-Bissau	22 September 1998		
Guyana	3 September 1994	27 June 2003 (CEDAW/C/GUY/3-6)	
Haiti	3 September 1994		
Honduras	2 April 1996		
Hungary	3 September 1994	19 September 2000 (CEDAW/C/HUN/4-5)	Exceptional (2002)
Iceland	13 July 1998	15 July 1998 (CEDAW/C/ICE/3-4)	Twenty-sixth (2002)
Indonesia	13 October 1997		
Iraq	12 September 1999		
Ireland	22 January 1999	10 June 2003 (CEDAW/C/IRL/4-5)	
Italy	10 July 1998		
Jamaica	18 November 1997	17 February 1998 (CEDAW/C/JAM/2-4)	Twenty-fourth (2001)

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Japan	25 July 1998	24 July 1998 (CEDAW/C/JPN/4)	Twenty-ninth (2003)
Kenya	8 April 1997	5 January 2000 (CEDAW/C/KEN/3-4)	Twenty-eighth (2003)
Lao People's Democratic Republic	13 September 1994	3 February 2003 (CEDAW/C/LAO/1-5)	
Liberia	16 August 1997		
Libyan Arab Jamahiriya	15 June 2002		
Luxembourg	4 March 2002	12 March 2002 (CEDAW/C/LUX/4)	Twenty-eighth (2003)
Madagascar	16 April 2002		
Malawi	11 April 2000		
Mali	10 October 1998		
Mauritius	8 August 1997		
Mexico	3 September 1994	1 December 1992[c] 7 March 1997 (CEDAW/C/MEX/3-4) 9 July 1997 (CEDAW/C/MEX/3-4/Add.1)	Eighteenth (1998)
Mongolia	3 September 1994	8 December 1998 (CEDAW/C/MNG/3-4)	Twenty-fourth (2001)
New Zealand	9 February 1998	2 March 1998 (CEDAW/C/NZL/3-4) 15 April 1998 (CEDAW/C/NZL/3-4/Add.1)	Nineteenth (1998)
Nicaragua	26 November 1994	16 June 1998 (CEDAW/C/NIC/4)	Twenty-fifth (2001)
Nigeria	13 July 1998	23 January 2003 (CEDAW/C/NGA/4-5)	
Norway	3 September 1994	1 September 1994 (CEDAW/C/NOR/4)	Fourteenth (1995)
Panama	28 November 1994		
Paraguay	6 May 2000		
Peru	13 October 1995	25 November 1994 (CEDAW/C/PER/3-4)	Nineteenth (1998)
Philippines	4 September 1994	22 April 1996 (CEDAW/C/PHI/4)	Sixteenth (1997)
Poland	3 September 1994		
Portugal	3 September 1994	23 November 1999 (CEDAW/C/PRT/4)	Twenty-sixth (2002)
Republic of Korea	26 January 1998	27 March 1998 (CEDAW/C/KOR/4)	Nineteenth (1998)
Romania	6 February 1995	10 December 1998 (CEDAW/C/ROM/4-5)	Twenty-third (2000)
Russian Federation	3 September 1994	31 August 1994 (CEDAW/C/USR/4)	Fourteenth (1995)

States parties	Date due[a]	Date of submission	Considered by Committee (session (year))
Rwanda	3 September 1994		
Saint Kitts and Nevis	25 May 1998	18 January 2002 (CEDAW/C/KNA/1-4)	Twenty-seventh (2002)
Saint Lucia	7 November 1995		
Saint Vincent and the Grenadines	3 September 1994		
Senegal	7 March 1998		
Sierra Leone	11 December 2001		
Spain	4 February 1997	20 October 1998 (CEDAW/C/ESP/4)	Twenty-first (1999)
Sri Lanka	4 November 1994	7 October 1999 (CEDAW/C/LKA/3-4)	Twenty-sixth (2002)
Sweden	3 September 1994	21 May 1996 (CEDAW/C/SWE/4)	Twenty-fifth (2001)
Thailand	8 September 1998		
Togo	26 October 1996		
Trinidad and Tobago	11 February 2003		
Tunisia	20 October 1998	27 July 2000 (CEDAW/C/TUN/3-4)	Twenty-seventh (2002)
Turkey	19 January 1999	7 July 2003 (CEDAW/C/TUR/4-5)	
Uganda	21 August 1998		
Ukraine	3 November 1994	2 August 1999 (CEDAW/C/UKR/4-5)	Twenty-seventh (2002)
United Kingdom of Great Britain and Northern Ireland	7 May 1999	19 January 1999 (CEDAW/C/UK/4 and Add.1-4)	Twenty-first (1999)
United Republic of Tanzania	19 September 1998		
Uruguay	8 November 1994		
Venezuela	1 June 1996		
Viet Nam	19 March 1995	6 September 2000 (CEDAW/C/VNM/3-4)	Twenty-fifth (2001)
Yemen	29 June 1997	8 March 2000 (CEDAW/C/YEM/4)	Exceptional (2002)
Zambia	21 July 1998	12 August 1999 (CEDAW/C/ZAM/3-4)	Twenty-seventh (2002)

E. Fifth periodic reports

Argentina	14 August 2002	15 January 2002 (CEDAW/C/ARG/5)	Exceptional (2002)
Australia	27 August 2000		
Austria	30 April 1999	20 September 1999 (CEDAW/C/AUT/5)	Twenty-third (2000)

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Bangladesh	6 December 2001	27 December 2002 (CEDAW/C/BGD/5)	
Barbados	3 September 1999		
Belarus	3 September 1998	19 December 2002 (CEDAW/C/BLR/4-6)	
Belgium	9 August 2002		
Bhutan	30 September 1998	2 January 2003 (CEDAW/C/BTN/1-6) (CEDAW/C/BTN/1-6/Corr.1)	
Brazil	2 March 2001	7 November 2002 (CEDAW/C/BRA/1-5)	Twenty-ninth (2003)
Burkina Faso	13 November 2004	6 August 2003 (CEDAW/C/BFA/4-5)	
Bulgaria	10 March 1999		
Canada	9 January 1999	2 April 2002 (CEDAW/C/CAN/5)	Twenty-eighth (2003)
Cape Verde	3 September 1998		
China	3 September 1998		
Colombia	18 February 1999		
Congo	25 August 1999	8 April 2002 (CEDAW/C/COG/1-5)	Twenty-eighth (2003)
Costa Rica	4 May 2003		
Cuba	3 September 1998		
Denmark	21 May 2000	13 June 2000 (CEDAW/C/DEN/5)	Twenty-seventh (2002)
Dominica	3 September 1998		
Dominican Republic	2 September 1999	11 April 2003 (CEDAW/C/DOM/5)	
Ecuador	9 December 1998	8 January 2002 (CEDAW/C/ECU/4-5)	Twenty-ninth (2003)
Egypt	9 October 1998	30 March 2000 (CEDAW/C/EGY/4-5)	Twenty-fourth (2001)
El Salvador	18 September 1998	26 July 2001 (CEDAW/C/SLV/5)	Twenty-eighth (2003)
Equatorial Guinea	22 November 2001		
Ethiopia	10 October 1998	25 September 2002 (CEDAW/C/ETH/4-5)	
France	13 January 2001	27 August 2002 (CEDAW/C/FRA/5)	Twenty-ninth (2003)
Gabon	20 February 2000	4 June 2003 (CEDAW/C/GAB/2-5)	
Germany	9 August 2002	28 January 2003 (CEDAW/C/DEU/5)	
Ghana	1 February 2003		
Greece	7 July 2000	19 April 2001 (CEDAW/C/GRC/4-5)	Exceptional (2002)

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Guatemala	11 September 1999	15 January 2002 (CEDAW/C/GUA/5)	Exceptional (2002)
Guinea	8 September 1999		
Guinea-Bissau	22 September 2002		
Guyana	3 September 1998	27 June 2003 (CEDAW/C/GUY/3-6)	
Haiti	3 September 1998		
Honduras	2 April 2000		
Hungary	3 September 1998	19 September 2000 (CEDAW/C/HUN/4-5)	Exceptional (2002)
Iceland	13 July 2002		
Indonesia	13 October 2001		
Ireland	22 January 2003	10 June 2003 (CEDAW/C/IRL/4-5)	
Italy	10 July 2002		
Jamaica	18 November 2001		
Japan	25 July 2002	13 September 2002 (CEDAW/C/JPN/5)	Twenty-ninth (2003)
Kenya	8 April 2001		
Lao People's Democratic Republic	13 September 1998	3 February 2003 (CEDAW/C/LAO/1-5)	
Liberia	16 August 2001		
Mali	10 October 2002		
Mauritius	8 August 2001		
Mexico	3 September 1998	1 December 2000 (CEDAW/C/MEX/5)	Exceptional (2002)
Mongolia	3 September 1998		
New Zealand	9 February 2002		
Nicaragua	26 November 1998	2 September 1999 (CEDAW/C/NIC/5)	Twenty-fifth (2001)
Nigeria	13 July 2002	23 January 2003 (CEDAW/C/NGA/4-5)	
Norway	3 September 1998	23 March 2000 (CEDAW/C/NOR/5)	Twenty-eighth (2003)
Panama	28 November 1998		
Peru	13 October 1999	21 July 2000 (CEDAW/C/PER/5)	Exceptional (2002)
Philippines	4 September 1998		
Poland	3 September 1998		
Portugal	3 September 1998	13 June 2001 (CEDAW/C/PRT/5)	Twenty-sixth (2002)
Republic of Korea	26 January 2002	23 July 2003 (CEDAW/C/KOR/5)	
Romania	6 February 1999	10 December 1998 (CEDAW/C/ROM/4-5)	Twenty-third (2000)

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Russian Federation	31 September 1998	3 March 1999 (CEDAW/C/USR/5)	Twenty-sixth (2002)
Rwanda	3 September 1998		
Saint Kitts and Nevis	25 May 2002		
Saint Lucia	7 November 1999		
Saint Vincent and the Grenadines	3 September 1998		
Senegal	7 March 2002		
Spain	4 February 2001	11 April 2003 (CEDAW/C/ESP/5)	
Sri Lanka	4 November 1998		
Sweden	3 September 1998	8 December 2000 (CEDAW/C/SWE/5)	Twenty-fifth (2001)
Thailand	8 September 2002		
Togo	26 October 2000		
Tunisia	20 October 2002		
Turkey	19 January 2003	7 July 2003 (CEDAW/C/TUR/4-5)	
Uganda	21 August 2002		
Ukraine	3 September 1998	2 August 1999 (CEDAW/C/UKR/4-5)	Twenty-seventh (2002)
United Kingdom of Great Britain and Northern Ireland	7 May 2003		
United Republic of Tanzania	19 September 2002		
Uruguay	8 November 1998		
Venezuela	1 June 2000		
Viet Nam	19 March 1999		
Yemen	29 June 2001	3 January 2002 (CEDAW/C/YEM/5)	Exceptional (2002)
Zambia	21 July 2002		

F. Sixth periodic reports

Austria	30 April 2003		
Barbados	3 September 1999		
Belarus	3 September 2002	19 December 2002 (CEDAW/C/BLR/4-6)	
Bhutan	30 September 2002	2 January 2003 (CEDAW/C/BTN/1-6) (CEDAW/C/BTN/1-6/Corr.1)	
Bulgaria	10 March 2003		
Canada	9 January 2003		
Cape Verde	3 September 2002		
China	3 September 2002		

States parties	Date due[a]	Date of submission	Considered by Committee (session (year))
Colombia	18 February 2003		
Cuba	3 September 2002		
Dominica	3 September 2002		
Ecuador	9 December 2002		
Egypt	18 October 2002		
El Salvador	18 September 2002	2 November 2002 (CEDAW/C/SLV/6)	Twenty-eighth (2003)
Ethiopia	10 October 2002		
Guyana	3 September 2002	27 June 2003 (CEDAW/C/GUY/3-6)	
Haiti	3 September 2002		
Hungary	3 September 2002		
Lao People's Democratic Republic	13 September 2002		
Mexico	3 September 2002		
Mongolia	3 September 2002		
Nicaragua	26 November 2002		
Norway	3 September 2002	23 March 2000 (CEDAW/C/NOR/6)	Twenty-eighth (2003)
Panama	28 November 2002		
Philippines	4 September 2002		
Poland	3 September 2002		
Portugal	3 September 2002		
Romania	6 February 2003		
Russian Federation	31 September 2002		
Rwanda	3 September 2002		
Saint Vincent and the Grenadines	3 September 2002		
Sri Lanka	4 November 2002		
Sweden	3 September 2002		
Ukraine	3 September 2002		
Uruguay	8 November 2002		
Viet Nam	19 March 2003		
Yugoslavia	28 March 2003		

G. Reports submitted on an exceptional basis

Democratic Republic of the Congo[b]	16 January 1997 (oral report; see CEDAW/C/SR.317)	Sixteenth (1997)
Rwanda	31 January 1996 (oral report; see CEDAW/C/SR.306)	Fifteenth (1996)

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Federal Republic of Yugoslavia (Serbia and Montenegro)	[illegible]	2 December 1993 (CEDAW/C/YUG/SP.1) 2 February 1994 (oral report; see CEDAW/C/SR.254)	Thirteenth (1994)

[a] One year prior to the due date, the Secretary-General invites the State party to submit its report.
[b] Effective 17 May 1997, Zaire was renamed Democratic Republic of the Congo.
[c] Report withdrawn.

Annex VII

Letter addressed to the Special Representative of the Secretary-General for Iraq and High Commissioner for Human Rights

18 July 2003

Dear Mr. Vieira de Mello,

The Committee on the Elimination of Discrimination against Women, during its twenty-ninth session held at United Nations Headquarters in New York from 30 June to 18 July 2003, noted with concern the situation of women in Iraq. As in all war situations, in Iraq too, women are particularly impacted by the adverse effects of conflict.

The Committee noted the fact that, since Iraq is a State party to the Convention on the Elimination of All Forms of Discrimination against Women, all post-war activities, including the new Constitution of Iraq and the legislative framework, must be drawn up in full conformity with the provisions of the Convention in order to ensure de jure and de facto equality between women and men in all spheres of life in Iraq.

In this connection, the Committee wishes to emphasize that during the process of rehabilitation and reconstruction in Iraq it must be ensured by the administration-in-charge and all bodies, including United Nations agencies and international non-governmental organizations involved in the process that, as an urgent priority, the physical and psychological security of women are fully protected, gender issues are duly addressed and action is taken to promote equal participation of women in administrative structures and rebuilding activities in the country at all levels.

The Committee urges you, in your capacity as Special Representative of the Secretary-General for Iraq and as High Commissioner for Human Rights, to ensure that the responsible authorities, including the transitional administration, take all necessary measures for implementation of the Convention on the Elimination of All Forms of Discrimination against Women in order to allow Iraqi women the full enjoyment of all rights set forth in the Convention.

Yours sincerely,

Feride Acar
Chairperson
Committee on the Elimination of Discrimination against Women

Mr. Sergio Vieira de Mello
Special Representative of the Secretary-General for Iraq
High Commissioner for Human Rights
c/o UNAMI, New York Office
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Annex VIII

Statement brought to the attention of the Committee under rule 23 of the rules of procedure

"The conference-servicing requirements of providing full conference services, including interpretation, for the Working Group of the Optional Protocol of the Convention on the Elimination of All Forms of Discrimination against Women are estimated at full cost of $348,700. On the assumption that the meetings will be held on the dates agreed upon by the Committee and the Department for General Assembly and Conference Management, the meetings could be accommodated within the conference-servicing capacity of the Organization. However, should the meetings be held on other dates, it will entail a statement of programme budget implications in the amount of $348,700, to be reviewed by the General Assembly at its fifty-eighth session, together with its review of the proposed programme budget for the biennium 2004-2005."

Annex IX

Report of the second session of the Working Group on Communications under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women

1. The Working Group on Communications under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women held its second session from 25 to 27 June 2003. All members of the Working Group attended. Mr. Cornelis Flinterman attended from 26 to 27 June 2003. Ms. Schöpp-Schilling continued to serve as Chairperson of the Working Group.

2. At its second meeting, the Working Group amended and adopted its agenda (see annex).

I. Summary of discussions

A. Background paper for the Working Group on Communications on issues arising under the Optional Protocol

3. On the basis of a request by the Working Group on Communications, the Committee at its twenty-seventh session recommended research on the following issues in connection with the Optional Protocol: "same matter" and "under another procedure of international investigation or settlement" (Optional Protocol, article 4 (2) (a)); and "the facts that are the subject of the communication occurred prior to the entry into force of the [Optional] Protocol" (Optional Protocol, article 4 (2) (e)). The Committee also recommended research on the accountability of States parties for the conduct of non-State actors; remedies recommended by human rights treaties and implementation of views by States parties (Optional Protocol, articles 7 (3), (4) and (5)). A background paper on those issues was prepared by Ms. Ineke Boerefijn of the Netherlands Institute of Human Rights, who had been hired by the Division for the Advancement of Women as a consultant.

4. Ms. Boerefijn presented the paper to the Working Group, which expressed great appreciation for the comprehensive and useful information. Members of the Working Group discussed each section of the paper, raising questions, seeking clarifications and exploring hypothetical communications which could be brought under the Optional Protocol dealing with the issues under discussion.

5. On the basis of the comments and views expressed by members of the Working Group during the discussions, Ms. Boerefijn declared her willingness to make certain additions and revisions to the paper. Ms. Boerefijn also expressed a willingness to update the paper regularly, particularly with regard to new developments on matters covered in the paper.

B. Correspondence relating to article 2 of the Optional Protocol

6. The Working Group discussed the first batch of correspondence relating to article 2 of the Optional Protocol, which had been received by the Division for the Advancement of Women but was not yet ready to be considered for purposes of registration. The Working Group provided the Secretariat with criteria and guidance

on handling that and future correspondence. In future, the Working Group would not review correspondence at such a preliminary stage.

C. Other matters

7. The Director of the Division for the Advancement of Women informed the Working Group that the Chief of the Women's Rights Section had overall responsibility for dealing with communications in the Division and that the General Assembly had approved two staff positions within that Section to focus on the Optional Protocol, one of which had been filled and the other was expected to be filled shortly. She assured the Working Group of the continuous attention by staff to issues under the Optional Protocol. The Division also assured the Working Group that efforts were continuing to ensure the effective functioning of the interactive database between the Division and the Office of the United Nations High Commissioner for Human Rights. The Chief of the Women's Rights Section briefed the Working Group on the status of preparations of the multimedia training package and the manual on the Convention and its Optional Protocol. An update was also provided on past and planned technical cooperation activities in support of ratification of and reporting under the Convention.

II. Decisions taken by the Working Group

8. The Working Group decided:

(a) That the term "communication" would only be used once correspondence had been submitted to the Working Group and a decision on registration had been made;

(b) To register its first communication;

(c) To authorize the Chairperson of the Working Group to take decisions on behalf of the Working Group concerning urgent situations requiring interim measures (article 5 of the Optional Protocol and rule 63 of the rules of procedure) after notification by the Division and to inform the Committee without delay;

(d) To keep under consideration other matters concerning its functioning, in particular those referred to in paragraph 13 of its report of 6 May 2002 (CEDAW/C/2002/II/CRP.4).

III. Recommendations for action by the Committee

(See Chapter V of the report.)

IV. Further issues to be considered

9. The Working Group agreed to give further consideration to the following matters once views on communications had been adopted:

(a) The importance of ensuring continuity in the follow-up to views of the Committee on communications, for example by appointing rapporteurs and their alternates for follow-up (rule 73 of the rules of procedure);

(b) Mechanisms for interaction with non-governmental organizations and civil society on implementation and follow-up to the views of the Committee on communications;

(c) Whether any human rights treaty bodies have revised previous decisions on communications.

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